

GL5

From: Tony Aquino [tony1@ci.garden-grove.ca.us]
Sent: Tuesday, July 17, 2012 4:33 PM
To: Parsons, 405.dedcomments
Cc: Dan Candelaria; Bill Murray
Subject: Interstate 405 Improvement Project - Draft Environmental Impact Report

The City of Garden Grove does not have any comments at this time. } 1

Sincerely,

Tony Aquino, P.E.
Associate Engineer
City of Garden Grove
Public Works Dept.
(714) 741-5193

GL6



City of Huntington Beach
2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING
www.huntingtonbeachca.gov

Planning Division
714.536.5271

Building Division
714.536.5241

July 17, 2012

Via E-Mail and US Mail

Smita Deshpande
Branch Chief
Caltrans District 12
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Subject: I-405 Improvement Project Draft Environmental Impact Report (EIR)

Dear Ms. Deshpande:

Thank you for the opportunity to review the subject EIR. The City of Huntington Beach has the following comments:

1. Pages S-10 and 2.23 – Why does the No Build Alternative include the future completion of Project EA 0J440K which would provide continuous ingress and egress from the HOV lanes on the entire length of the I-405 in Orange County? } 1
2. Pages 1-11 – The population growth projections (Table 1-7) for 2010 for Huntington Beach were not realized. } 2
3. Page 3.1.1-14 – The Bella Terra Mall area description should be updated to reflect more recent development including Costco and Bella Terra Mixed Use. } 3
4. Page 3.1.1-20 – Alternative 1 – It would be helpful to include a figure/table illustrating or listing the 90 public and privately owned parcels with partial acquisitions in the text or appendix. } 4
5. Page 3.1-1-32 – The temporary construction easements noted (on 112 parcels for Alternative 1 and 224 parcels for Alternative 2) should be identified. } 5
6. Pages 3.1.4-27, Line 8 and 3.1.6-103, Line 16 – "Providing sidewalks on the ... east south side of Edinger Avenue." } 6
7. Page 3.1.5-2 – Are there no Huntington Beach water or sewer lines in Beach Blvd.? } 7
8. Page 3.1.5-8 – There is a Huntington Beach Police substation at Bella Terra. } 8

GL6 Continued

9. Page 3.2.5-5 – What part is proposed to be acquired from Mobil at 15001 Goldenwest Street, Huntington Beach? 9
10. Page 3.6-4 – Table 3.6-1 (Reasonably Foreseeable Projects) should be updated to include the approval of the Boardwalk project which is part of the Beach and Edinger Corridors Specific Plan. The Boardwalk Mixed Use Project is located on the northeast corner of Edinger Avenue and Gothard Street and includes a 487 multi-family residential apartment development with 14,500 square feet of ground floor commercial area, a 4,500 square-foot leasing area, 9,000 square feet of residential recreation amenities, and a 0.5-acre public open space area. 10
11. Page 3.1.6-23 – The shaded cells in Table 3.1.6-4 do not include all segments with lower V/C ratios as indicated. Examples: AM, Alt2 SB Brookhurst to SR22 (1.15 vs. 1.24); PM, Alt 2 SB SR 22 to I-605 (1.13 vs. 1.16). 11
12. It has been represented that the project TMP would specifically require that the Heil Avenue Pedestrian bridge be built prior to the demolition of the existing bridge. However, we could not find any discussion of this issue within the section of page 3.1.6-108 or anywhere else in the document. 12
13. Unlike the detail provided for park impacts in Chapter 3, it is difficult to determine where the property impacts are located and therefore assess whether or not the impacts have been adequately identified. One area of particular concern is whether property impacts associated with the reconstruction of the McFadden overcrossing have been identified. 13
14. The City of Huntington Beach Fire Department should be notified at least one week in advance before any of the on and off ramps will be closed during construction so that emergency response can be planned accordingly. 14

Thank you in advance for considering our comments. Please contact Mary Beth Broeren, Planning Manager, at (714)538-5550 or mbroeren@surfcity-hb.org; or me at (714)538-5624 or ramos@surfcity-hb.org if you have any questions regarding our comments.

Sincerely,


Ricky Ramos
Senior Planner

xc: Fred A. Wilson, City Manager
Paul Emery, Deputy City Manager
Bob Hall, Deputy City Manager
Scott Hess, Director of Planning and Building
Travis Hopkins, Director of Public Works
Bill Reardon, Fire Marshall/Division Chief
Bob Stachelski, Transportation Manager
Mary Beth Broeren, Planning Manager

GL7



Community Development

www.cityofirvine.org

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92619-0575 (949) 724-6000

June 19, 2012

Ms. Smita Deshpande
Branch Chief - Caltrans District 12
Attn: 405 DEIR / DEIS Comment Period
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Subject: Draft EIR for San Diego Freeway (I-405) Improvement Project

Dear Ms. Deshpande:

The City of Irvine has reviewed the above-referenced project and is providing the comments outlined below:

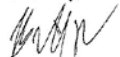
- While the construction of the proposed I-405 Improvement Project will add capacity to the corridor between SR-73 and I-605, this improvement has the potential to cause a chokepoint located south of the project limit through Irvine where there will be a reduced number of lanes. City staff recommends that the Orange County Transportation Authority and Caltrans expedite the delivery of the I-405 (SR-55 to I-5) project, also known as Project L from the Renewed Measure M Transportation Investment Plan, so that construction can immediately follow this project. 1
- The traffic analysis only analyzes arterial interchanges immediately within the project limits (SR-73 to I-605), and doesn't address any impacts on other city arterials or intersections. City staff recommends that additional traffic analysis be conducted to assess the alternatives' impacts on the City's major roadways in the Irvine Business Complex such as Main Street, MacArthur Boulevard and Michelson Avenue which are a few of the major employment destinations for the I-405 trips. 2

GL7 Continued

Ms. Smita Deshpande
Branch Chief - Caltrans District 12
June 19, 2012

Thank you for the opportunity to review and comment on the proposed document. City of Irvine staff would appreciate the opportunity to review any further information regarding this project as the planning process proceeds. If you have any questions, please contact me at (949) 724- 6521 or by email at bjacobs@ci.irvine.ca.us.

Sincerely,



Bill Jacobs, AICP-CEP
Principal Planner

cc: Shohreh Dupuis, Manager of Transit and Transportation
Katie Berg-Curtis, Project Development Administrator
Kerwin Lau, Project Development Administrator



Via E-Mail
July 17, 2012

Smita Deshpande
Caltrans District 12
2201 Dupont Drive, Suite 200
Irvine, California 92612

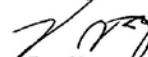
Dear Mr. Deshpande:

At its July 17, 2012, City Council meeting, the City of La Palma City Council voted to support the Orange County Transportation Authority's (OCTA) I-405 Improvement Project Alternative 1, which proposes one general purpose lane in each direction from Euclid to I-605. The City Council opposed the No Build option as it would not keep the Measure M2 promise to the voters; they were opposed to Alternative 2 as there was no identification for the funding of the additional \$100 million; and they were opposed to Alternative 3 due to the addition of toll lanes.

1

Thank you for considering the City's comments as they relate to the Draft Environmental Impact Report (EIR).

Sincerely,



Terry Matz
Interim City Manager

c: OCTA
City Council

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La Palma, CA 90623-1771	FAX
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GL9

GL9 Continued

CITY OF LOS ALAMITOS



Mayor:
Troy D. Edgar

Mayor Pro Tem:
Mortyran M. Poe

Council Members:
Geri L. Graham - Meja
Warren Kusumoto
Ken Stephens

July 17, 2012

Smita Deshpande
Branch Chief - Caltrans District 12
"Attn: 405 DEIR / DEIS Comment Period"
2201 Dupont Drive
Suite 200, Irvine, CA 92612

**SUBJECT: MEASURE M-2 SAN DIEGO FREEWAY (I-405)
IMPROVEMENT PROJECT**

Dear Branch Chief Deshpande:

The City of Los Alamitos is supportive of improvements to the sixteen mile stretch of the San Diego (I-405) Freeway between the City of Costa Mesa and the City of Long Beach. We understand the goal of the project is to improve the flow of traffic, reduce congestion, and improve lane continuity on the I-405. We appreciate Cal Trans and OCTA's commitment to obtaining public input prior to selecting the appropriate alternative.

While we remain supportive of improving the flow of traffic, the Draft Environmental Impact Report falls short in its analysis of a potential "bottle neck" as the northbound I-405 crosses the County line into Los Angeles County. The improvements proposed are meant to relieve congestion along a heavily used stretch of the I-405 freeway between SR-73 and the I-605 interchange within Orange County; however, the Draft Environmental Impact Report lacks regional coordination and does not address the impacts the widening will have on freeway ramps and major streets north of the project along the I-405 in Long Beach or the I-605 in Los Alamitos.

The proposed widening project has the potential to negatively impact the City of Los Alamitos and specifically Katella Avenue. We feel that our concerns should be addressed within the Draft Environmental Impact Report. Furthermore, the proposed widening of the I-405 will negatively impact a rather evident future bottle neck at the 405/22/605 interchange which provides an alternative to traffic traveling east west along Katella Avenue, the main corridor through Los Alamitos.

From a policy perspective the City of Los Alamitos:

- Supports Alternative 1 and feels that this Alternative offers the promised improved traffic flow with minimal impacts.

405 DEIR / DEIS Comment Period
Page 2 of 2

- Opposes Alternative 2 as this alternative has costly mitigation that outweighs the benefits.
- Supports the City of Seal Beach in its desire to retain the existing sound wall adjacent to the College Park East neighborhood.
- Opposes Toll Lanes and thus is opposed to Alternative 3 of the project.

The Draft Environmental Impact Report should be technically revised to be a legally adequate assessment. In order to meet legal requirements, this letter shall serve as our formal response to the Draft EIR, meeting the deadline of July 17, 2012. Concurrently, the City will continue to express its concerns regarding the three alternatives from a policy perspective to OCTA's Regional Planning and Highways Committee and OCTA's Board of Directors.

The City of Los Alamitos thanks you for the opportunity to comment on the I-405 Improvement Project and look forward to continued involvement as the project moves forward.

Sincerely,

CITY OF LOS ALAMITOS

Troy D. Edgar
Mayor

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GL10

GL11

Los Alamitos
Unified School District

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Patricia L. Meyer
Deputy Superintendent

July 17, 2012

Smita Deshpande
Caltrans - District 12
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Subject: I-405 Freeway Expansion

Dear Ms. Deshpande:

This letter is being sent to comment on the I-405 freeway expansion.

The project as presented in the Environmental Impact Report/Environmental Impact Statement (EIS/EIS) has three alternatives. Two of which involve relocation of the existing sound wall that lies between the I-405 freeway and Almond Avenue in Seal Beach.

The Los Alamitos Unified School District (LAUSD) has concerns regarding the expansion of the 405 Freeway Project and in particular, reduction of the street width of Almond Avenue. Almond Avenue serves as a collector road for the College Park East neighborhood and the street is utilized for bus service to pick up and drop off children every school day. Many of the streets that intersect Almond Avenue are cul de sac streets that provide no other options for planning of alternate routes for bus service. The project alternatives relocate the existing sound wall as much as ten (10) feet to the north. This reduction will make it more difficult for the busses to turn and reduce the safe area for drop off and pick up.

The Los Alamitos Unified School District opposes any reduction in the width of Almond Avenue.

If there are any questions please contact me at (562) 799-4700 ext. 80449.

Sincerely,

Patricia L. Meyer
Deputy Superintendent

Board of Education: Jeffrey Barke • David Boyer • Megan Cutuli • Diana D. Hill • Karen Russell



CITY OF LONG BEACH
DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

June 12, 2012

Smita Deshpande
Branch Chief
Caltrans District 12
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Subject: Draft EIR for the Caltrans San Diego Freeway (I-405) Improvement Project

Dear Ms. Deshpande:

Thank you for the opportunity to review the draft Environmental Impact Report for the San Diego Freeway (I-405) Improvement Project. The following requests are submitted for your consideration:

1. The City of Long Beach respectfully requests a meeting with project team representatives from Caltrans District 12 and OCTA to discuss the draft EIR. The City would like to better understand how the project is being coordinated with Caltrans District 7 and Metro.
2. The City of Long Beach respectfully requests the end date for submittal of public comments be extended an additional 45 days, from July 2 to September 5. Insufficient time exists for the City to thoroughly review and prepare comments.

Thank you again for the opportunity to review the draft Environmental Impact Report for the San Diego Freeway (I-405) Improvement Project. The City of Long Beach looks forward to working with Caltrans and OCTA staff to resolve the concerns stated in this letter.

Sincerely,

David Roseman
City Traffic Engineer

cc: Derek Wieske
Michael Conway
Niall Barrett

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GL12

GL12 Continued



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

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July 17, 2012

Smita Deshpande
Caltrans District 12, Branch Chief
Attn: 405 DEIR - DEIS Comment Period
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Re: Draft Environmental Impact Report / Environmental Impact Statement for the San Diego Freeway (I-405) Improvement Project

Dear Ms. Deshpande:

Thank you for the opportunity to review the Draft Environmental Impact Report / Environmental Impact Statement for the San Diego Freeway (I-405) Improvement Project (Project). On July 3, 2012, the Long Beach City Council adopted a motion to address potential traffic impacts to the City of Long Beach from this Caltrans Project. After careful review of the draft EIR/S, as well as a recent meeting with Caltrans and OCTA staff to discuss the City's concerns, the City of Long Beach respectfully submits the attached comments.

As a Participating Agency of the Project, Long Beach submitted comments in 2009, in response to the original Notice of Preparation. The City is disappointed that many of the issues raised at that time are not addressed in the current draft EIR/S. The 2009 comment letter, dated October 22, is attached for reference, and notes the City's request that regional traffic impact evaluations, including traffic movements at arterial ramps in the City of Long Beach, be included in the draft EIR/S. Since the release of the draft EIR/S, Long Beach sees the document is noticeably silent on traffic impacts immediately north of the project area, and in the City of Long Beach. Given the importance that traffic impact studies immediately north of the project area be included in the EIR/S, Long Beach is reiterating the City's request for Caltrans to conduct and publish traffic impact evaluations consistent with those described in the attached comments.

Additionally, the Project proposes signage and striping changes in the County of Los Angeles, but the draft EIR/S fails to provide evaluation of traffic flow and potential impacts within the City of Long Beach. By not studying traffic flow north of the county-line, this draft EIR/S is inadequate.

The draft EIR/S also does not demonstrate that the proposed Project has been planned in coordination with the Metropolitan Transportation Authority and Caltrans District 7. The draft EIR/S fails to acknowledge previous intercounty planning efforts, including the Orange and Los Angeles Intercounty Transportation Study, which was completed jointly by the

Smita Deshpande
July 17, 2012
Page 2

Orange County Transportation Authority and the Metropolitan Transportation Agency in 2005. The study proposes several conceptual alternatives, including the addition of one general-purpose lane in each direction to the I-405 freeway from the I-605 freeway to the I-710 freeway.

On behalf of the City, Iteris, Inc. was contracted to conduct a review of the City's 2009 comment letter on the NOP and of the DEIR / EIS document. Iteris' written summary of its technical review, dated July 17, 2012, is attached for reference.

The City of Long Beach recognizes the need for improvements to mitigate congestion along the I-405 freeway, and looks forward to working with Caltrans and OCTA to ensure that potential traffic impacts within Long Beach boundaries are identified and mitigated, and that intercounty planning and coordination can be effectively performed. In the spirit of improving transportation through Southern California, Long Beach respectfully submits the attached comments.

Sincerely,


Mike Conway, Director of Public Works
City of Long Beach

cc: Mayor and Members of the City Council

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GL12 Continued



I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

Hamrick

July 17, 2012

David Roseman
City Traffic Engineer
City of Long Beach
333 W. Ocean Boulevard
Long Beach, CA 90802

Re: Review of OCTA San Diego Freeway (I-405) Improvement Project DEIR/EIS and Supporting Documentation

Dear Mr. Roseman,

Iteris, Inc. has completed the review of the Orange County Transportation Authority (OCTA) San Diego (I-405) Freeway Improvement Project Draft Environmental Impact Report/Environmental Impact Statement. Our comments are focused in two sections; 1) how the DEIR/EIS documentation responds or fails to adequately respond to the City of Long Beach's 2009 Notice of Preparation (NOP) comment letter, and 2) other general review of the DEIR/EIS and supporting materials with respect to issues of interest to the City of Long Beach. In this letter we first summarize our review of the comment letter and associated issues, and then we summarize our overall comments on other DEIR/EIS-related issues and analyses.

I-405 Improvement Project DEIR/EIS – 2009 CITY OF LONG BEACH NOTICE OF PREPARATION COMMENTS

In October of 2009, a comment letter was submitted to Caltrans District 12 by the City of Long Beach in response to the NOP of the Draft EIR for the Caltrans San Diego Freeway (I-405) Improvement Project (herein known as "proposed project"). In that letter, the City of Long Beach expressed several concerns with respect to the limits of the proposed project and its potential impact on the City of Long Beach.

With respect to the City of Long Beach's 2009 NOP comments, Iteris, Inc., on behalf of the City, has reviewed the May 2012 I-405 Improvement Project DEIR/EIS, and has evaluated whether or not the comment was taken into consideration partially or in its entirety. The City's NOP comments from 2009 are listed below, along with a description of how the comment was addressed in the I-405 Improvement Project DEIR/EIS.

1. The City of Long Beach respectfully request the Draft EIR evaluate both operational and construction-related impacts to traffic on the freeway system and adjacent arterial streets.

This comment was only partially addressed in the DEIR/EIS. Additional information regarding how the 2009 City of Long Beach NOP Comment 1 was not adequately addressed is provided below.

Construction-related impacts associated with the proposed project were not evaluated in detail on the freeway system or on adjacent arterial streets in the proposed project study area or in the City of Long Beach. Rather, a Transportation Management Plan (TMP) was prepared to present the overall framework for traffic management during construction. The TMP includes general topics such as construction staging, closures and lane restrictions, demand management, alternate route strategies, and contingency plans, to name a few. Although the Draft TMP provides a list of ramp/street closures and lane restrictions, it does not evaluate construction-related level of service impacts in the proposed project study area or in the City of Long Beach.

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I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

GL12 Continued

As discussed under Chapter 3.1, Section 3.1.6 Traffic and Transportation/Pedestrian and Bicycle Facilities, Comment 9, the I-405 southbound off-ramp at Seal Beach Boulevard is expected to be closed between 10 to 30 days during construction. Closure of the Seal Beach Boulevard off-ramp will likely result in cut-through traffic in the City of Long Beach. The DEIR/EIS for the proposed project states that tentative detours for the ramp closures are identified in the Ramp Closure Study (RCS), but when the RCS was reviewed, detours associated with the Seal Beach Boulevard southbound ramp were not provided. Detour routing analysis is critical to ensure efficient mobility through the City of Long Beach and should have been performed, as previously requested.

It should be noted that before construction of the northbound I-405/Westbound SR-227th Street Connector closure associated with the West County Connectors project, OCTA presented information at a neighborhood association meeting related to traffic detours through parts of east Long Beach. During construction of the I-405/7th Street connector bridge, four detours were provided, as shown in Figure 1 below. In addition, OCTA helped mitigate traffic associated with the detour route via signal synchronization and various improvements to the Stearns Street freeway on-ramp, the 2nd Street and North Studebaker Road intersection, and the southbound I-405 and westbound SR-22 ramps. The DEIR/EIS should, at a minimum, provide preliminary detour routes and projected traffic impacts associated with the I-405 Seal Beach Boulevard southbound off-ramp closure during construction.

Operational impacts on the freeway system and on a limited number of arterial streets were addressed in the DEIR/EIS. However, only a limited number of interchanges and arterial street intersections along I-405 between SR-73 and I-605 were evaluated. No interchanges or arterial intersections were evaluated on I-405 north of I-605 in the City of Long Beach.

Figure 1: West County Connectors Project, Detours and Alternative Routes for I-405/7th Street Connector



2. It's the City of Long Beach's understanding Caltrans currently does not plan to add lanes to the I-405 freeway north of the I-605 freeway. It's unclear how the proposed additional lanes would integrate thru the interchange with the existing freeway segments that won't be widened. The proposed project could create potential significant traffic flow impacts due to capacity constraints and the creation of a bottleneck thru the interchange.

This comment was not taken into consideration in its entirety in the DEIR/EIS. Additional information regarding how the 2009 City of Long Beach NOP Comment 2 was not adequately addressed is provided below.

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GL12 Continued



I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

The proposed project extends along I-405 between SR-73 and I-605. The DEIR/EIS did not evaluate the impacts associated with the drop of one to two general purpose lanes (Alternatives 1 or 2), or the drop of two Express Lanes (Alternative 3) on I-405 north of I-605 in the City of Long Beach. It remains unclear how the added lanes will transition beyond the Orange County line into Los Angeles County and the City of Long Beach and the operational impacts associated with the lane transitions. An additional detailed review relating to this comment is provided under the discussion of Chapter 2, Project Alternatives, Comment 1 and Chapter 3.1, Section 3.1.6 Traffic and Transportation/Pedestrian and Bicycle Facilities, Comment 4.

3. The City of Long Beach respectfully requests that Caltrans consider the combined impacts of the West County Connectors project and the proposed new project, which would result in the addition of up to three lanes in each direction beyond what exists today.

This comment was addressed in the DEIR/EIS.

The West County Connectors project was incorporated into the proposed project. The Traffic Study explains that the No Build Alternative represents "baseline" conditions. With this alternative no additional lanes or interchange improvements would be constructed. Two projects were assumed to be complete under all future conditions; the SR-22 Freeway West County Connectors project from SR-22 east to I-605 (will add a second HOV lane in each direction and HOV direct connectors between I-605 and I-405 to/from the south and also between SR-22 east and I-405 to/from the north), and continuous access HOV lanes along I-405 throughout the study area (p.1-8).

4. The City of Long Beach respectfully requests that Caltrans use regional modeling software to determine the potential diversion of traffic on freeway segments within Los Angeles County resulting from any bottlenecks created by the project alternatives.

This comment was not taken into consideration in its entirety in the DEIR/EIS. Additional information regarding how the 2009 City of Long Beach NOP Comment 4 was not adequately addressed is provided below.

Traffic forecasts for the proposed project were developed using the OCTA Model (OCTAM). However, OCTAM was not used to evaluate the potential diversion of traffic associated with the proposed project in Los Angeles County or in the City of Long Beach. The modeling methodology is also flawed in that it does not include model runs for each alternative. An additional detailed review relating to this comment is provided under the discussion of Chapter 3.1, Section 3.1.6 Traffic and Transportation/Pedestrian and Bicycle Facilities, Comment 4.

5. The City of Long Beach respectfully requests that the study area be expanded to include the I-405 corridor from Lakewood Boulevard to the I-605 freeway and the study include evaluation of impacts to traffic movement in the expanded study area, including movements at the Lakewood Boulevard, Bellflower Boulevard, Woodruff Avenue and Palo Verde Avenue ramps.

This comment was not taken into consideration in the DEIR/EIS. Additional information regarding how the 2009 City of Long Beach NOP Comment 5 was not adequately addressed is provided below.

The study area was not extended west to include the I-405 corridor from Lakewood Boulevard to the I-605 freeway, and movements at Lakewood Boulevard, Bellflower Boulevard, Woodruff Avenue and Palo Verde Avenue ramps were not considered, per the City of Long Beach's request.

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I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

6. The City of Long Beach respectfully requests that the study area be expanded to include CA-22 from the I-405 freeway to CA-1. It's possible that CA-22 into Long Beach could become a diversion around the bottleneck created thru the interchange.

This comment was not taken into consideration in its entirety in the DEIR/EIS. Additional information regarding how the 2009 City of Long Beach NOP Comment 6 was not adequately addressed is provided below.

The study area extends to the intersection of the I-405 and I-605 freeway. It was not extended west to include SR-22 from the I-405 freeway to SR-1, per the City of Long Beach's request.

7. The City of Long Beach respectfully requests that the study area be expanded on the I-605 freeway from the I-405 to Carson Street. It's possible that traffic currently using the I-405 could divert to the I-605 to avoid the bottleneck created thru the interchange.

This comment was not taken into consideration in the DEIR/EIS. Additional information regarding how the 2009 City of Long Beach NOP Comment 7 was not adequately addressed is provided below.

The study area extends along I-605 to Katella Avenue. It was not extended north to Carson Street, per the City of Long Beach's request. Additional comments regarding the lack of appropriate level of analysis in Long Beach is provided in the detailed comments.

8. The proposed project may create a potential significant impact in the form of substantial traffic disruption on streets within Long Beach during construction. Traffic mitigation may be required in Long Beach to accommodate additional traffic on arterial streets and to keep commuter traffic out of neighborhoods during the construction phase. The City of Long Beach respectfully requests that a preliminary Traffic Management Plan be developed as a part of the EIR process.

This comment was only partially addressed in the DEIR/EIS. Additional information regarding how the 2009 City of Long Beach NOP Comment 8 was not adequately addressed is provided below.

A Draft Traffic Mitigation Plan (TMP) was prepared in accordance with the Caltrans Guidelines Deputy Directive 60 to minimize motorist delays when performing work activities on the State Highway System. The Draft I-405 Improvement Project TMP was prepared to present the overall framework for traffic management during construction. The Draft TMP includes general topics such as construction staging, closures and lane restrictions, demand management, alternate route strategies, and contingency plans, to name a few. Although the Draft TMP was prepared, it does not address traffic mitigation issues in the City of Long Beach.

I-405 Improvement Project DEIR/EIS – TECHNICAL COMMENTS

In addition to a review of the City's 2009 NOP comment letter, Iteris, Inc. also conducted a technical review of the complete environmental document as it pertains to traffic and other issues of interest to the City of Long Beach. The following provides a chapter-by-chapter summary of the technical comments and observations from the DEIR/EIS and its supporting documents. Note, the Traffic Study (Appendix I), the Draft Transportation Management Plan (TMP), and the Ramp Closure Study (RCS) are intermittently referenced throughout the technical review.

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GL12 Continued



I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

I-405 Improvement Project DEIR/EIS: SUMMARY CHAPTER

1. Project description includes the City of Long Beach, but the DEIR/EIS fails to conduct any technical analysis within the City. As stated in the Project Description (p.5-2), "The approximately 16-mile-long project corridor is primarily located in Orange County on I-405 and traverses the cities of Costa Mesa, Fountain Valley, Huntington Beach, Westminster, Garden Grove, Seal Beach, Los Alamitos, Long Beach and the community of Rossmore." The Project Description also describes the proposed project's limits as "...in Los Angeles County from the county line to 1.4 miles north of I-605 (p.5-2)." The project clearly acknowledges that the northern terminus of the project is located in the City of Long Beach. However, evaluation of the project clearly terminates at the Orange County/Los Angeles County line. The project description states, "Encroachments into Los Angeles County and work on SR-22 are associated with signing and striping (p.5-2)" only, and do not include any analysis in the City of Long Beach. Missing analyses in Long Beach/Los Angeles County must be added to the document.
2. Project description acknowledges the intra/inter-regional significance of I-405, but the DEIR/EIS fails to conduct any technical analysis of I-405 through the City of Long Beach beyond the Orange County/Los Angeles County line. As stated in the Project Description, "I-405 is part of the National Highway System and is considered a bypass route to I-5 (the Santa Ana/Golden State Freeway) providing intra-regional and inter-regional access between Orange and Los Angeles Counties. I-405 also serves as a critical goods movement corridor connecting the San Diego and U.S./Mexico border region with the ports of Long Beach and Los Angeles (p.5-3)." Despite these statements concluding the significance of I-405 as an intra/inter-regional corridor between Orange and Los Angeles County, no evaluation of I-405 north of the Orange/Los Angeles County line was conducted. An additional detailed review relating to this comment is provided under the discussion of Chapter 1, Proposed Project, Comment 3. Missing analyses in Long Beach/Los Angeles County must be added to the document.
3. Project description states the northern terminus of the project (I-605) was chosen "to ensure adequate response to transportation deficiencies", but the "transportation deficiencies" along I-405 clearly don't end at I-605. As stated in the Project Description, "the north and south termini of the project, at the I-605 and SR-73 respectively, are locations where multiple freeways converge, generating congestion and causing delay. The termini have been logically chosen based on geography and transportation needs to ensure adequate response to transportation deficiencies at and around these points of intersection (p.5-3)." The northern terminus of the proposed project is clearly based on the location of the Orange County/Los Angeles County line. The DEIR/EIS should take into consideration the effect of the proposed project on the adjacent segments of I-405, north of I-605 in Los Angeles County. An additional detailed review relating to this comment is provided under the discussion of Chapter 1, Proposed Project, Comment 5. The statements regarding beneficial effects on neighborhoods, even if correct, only would apply in the Orange County communities since no capacity enhancements are proposed in Long Beach. Within Long Beach, the opposite effect could occur, and the possibility of impacts in Long Beach must be investigated. Missing analysis of possible neighborhood impacts within Long Beach must be added.
4. The DEIR/EIS assumes the proposed project will result in a "beneficial effect on neighborhoods by reducing cut-through traffic" without providing any technical analysis or modeling results. Table S-1 (Project Impact Summary Table) states under Community Impacts, Alternatives 1, 2 and 3, "Implementation of the proposed project is anticipated to result in a beneficial effect on neighborhoods and community cohesion by reducing cut-through traffic within the adjacent neighborhoods. At present, motorists traveling along I-405 often exit the freeway and seek less-congested alternative routes within the adjacent neighborhoods when freeway conditions deteriorate (p.5-14)." A discussion on how the

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analysis revealed that proposed project will result in a benefit to the community by reducing cut-through traffic in adjacent neighborhoods should be provided. An additional detailed response relating to this comment is provided under the discussion of Chapter 3.1, Section 3.1.4 Community Impacts, Comment 1. Missing analysis of possible neighborhood impacts within Long Beach must be added.

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5. The DEIR/EIS fails to provide a detailed analysis of how the additional anticipated 13 to 25 percent increase in vehicle throughput on I-405 will transition beyond I-605 through the City of Long Beach. Table S-1 (Project Impact Summary Table) states under Traffic and Transportation/Pedestrian and Bicycle Facilities, Alternatives 1, 2 and 3, the proposed project will result in a permanent increase in vehicle throughput on the freeway by 13 to 25 percent between SR-22 East and I-605 (p.5-19). How will the additional throughput transition beyond the Orange County line into Los Angeles County? An additional detailed review relating to this comment is provided under the discussion of Chapter 2, Project Alternatives, Comment 1 and Chapter 3.1, Section 3.1.6 Traffic and Transportation/Pedestrian and Bicycle Facilities, Comment 4. Missing analysis of impacts of added vehicle throughput in the City of Long Beach must be added.

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I-405 Improvement Project DEIR/EIS: Chapter 1 – PROPOSED PROJECT

1. Project map includes portions of the City of Long Beach, but the DEIR/EIS fails to conduct any technical analysis within the City. According to Figure 1-2 (Project Location map), the proposed project area extends approximately one mile north of the Orange County/Los Angeles County line to Palo Verde Avenue in Los Angeles County and the City of Long Beach (p.1-3). While that study area presented extends into Long Beach, analysis was not performed for the proposed project area north of the Orange County/Los Angeles County line. Interchanges along I-405 north of the Orange County/Los Angeles County line should be evaluated, as well as arterial intersections in the City of Long Beach based on the Project Location map. An additional detailed review relating to this comment is provided under the discussion of Chapter 3.1, Section 3.1.6 Traffic and Transportation/Pedestrian and Bicycle Facilities, Comment 1. Missing analysis in Long Beach must be added to the document.
2. 2009 ADT volumes in the I-405 Improvement Project Traffic Study may have been underestimated near the City of Long Beach. In the Capacity, Transportation Demand, and Safety section of Chapter 1 (p.1-6 to 1-8), 2009 traffic volumes were discussed. As stated in the footnote of Table 2.2.1 of the I-405 Improvement Project Traffic Study conducted by Albert Grover & Associates, existing 2009 ADT volumes were based on 2008 Caltrans published data, "adjusted down by one percent in accordance with similar measured decreases throughout the area" (p.2.2-1). However, Caltrans peak hour and AADT data was reviewed (Source: <http://www.dot.ca.gov/hq/traffops/saferes/trafdata/index.htm>) near the City of Long Beach and the data indicates that when 2008 and 2009 AADT volumes are compared on I-405 near the City of Long Beach, there is no measureable decrease in traffic volume between 2008 and 2009. Conversely, as shown in Table 1 below, the Caltrans 2008 and 2009 data indicates a slight increase in traffic volumes (between 0.77 and 1.55 percent) during the peak hour, peak month, or for AADT. Adjusting the 2008 traffic volumes down by one percent to calculate existing 2009 traffic volumes may have underestimated the existing 2009 mainline, ramp and weaving level of service near the City of Long Beach. The noted methodology must be reviewed and corrected, if required.

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Table 1: 2008 and 2009 Caltrans Traffic Volumes Near the City of Long Beach

District	Route	County	Post Mile	Description	Back Pk Hr	Back Pk Mo	Back AADT	Ahead Pk Hr	Ahead Pk Mo	Ahead AADT
2008										
12	405	ORA	22.648	SEAL BEACH, SEAL BEACH BLVD INTERCHANGE	26,500	383,000	374,000	26,500	392,000	366,000

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12	405	ORA	24,044	SEAL BEACH, JCT. RTE. 605	26,500	382,000	365,000	17,900	261,000	259,000
12	405	ORA	24,178	ORANGE LOS ANGELES COUNTY LINE	17,900	281,000	253,000			
07	405	LA	0.266	ORANGE/LOS ANGELES COUNTY LINE				18,300	258,000	253,000
07	405	LA	0.448	LONG BEACH, STUDIOBAKER RD INTERCHANGE	18,300	258,000	253,000	16,900	265,000	261,000
07	405	LA	1.112	LONG BEACH, PALO VERDE AVE INTERCHANGE	16,900	265,000	263,000	17,100	258,000	254,000
2009										
12	405	ORA	22,643	SEAL BEACH, SEAL BEACH BLVD INTERCHANGE	26,500	381,000	374,000	26,500	392,000	366,000
12	405	ORA	24,044	SEAL BEACH, JCT. RTE. 605	26,500	392,000	366,000	18,100	263,000	255,000
12	405	ORA	24,178	ORANGE LOS ANGELES COUNTY LINE	18,100	263,000	215,000			
07	405	LA	0.366	ORANGE/LOS ANGELES COUNTY LINE				18,500	252,000	233,000
07	405	LA	0.448	LONG BEACH, STUDIOBAKER RD INTERCHANGE	18,500	262,000	253,000	17,100	259,000	253,000
07	405	LA	1.112	LONG BEACH, PALO VERDE AVE INTERCHANGE	17,100	269,000	261,000	17,300	263,000	254,000
% Change										
12	405	ORA	22,643	SEAL BEACH, SEAL BEACH BLVD INTERCHANGE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
12	405	ORA	24,044	SEAL BEACH, JCT. RTE. 605	0.00%	0.00%	0.00%	1.12%	0.77%	0.79%
12	405	ORA	24,178	ORANGE LOS ANGELES COUNTY LINE	1.12%	0.77%	0.76%			
07	405	LA	0.366	ORANGE/LOS ANGELES COUNTY LINE				1.90%	1.50%	0.00%
07	405	LA	0.448	LONG BEACH, STUDIOBAKER RD INTERCHANGE	1.09%	1.55%	0.00%	1.18%	1.51%	0.00%
07	405	LA	1.112	LONG BEACH, PALO VERDE AVE INTERCHANGE	1.18%	1.51%	0.00%	1.57%	1.16%	0.00%

Source: Caltrans Traffic Volumes, 2008 and 2009.

3. The DEIR/EIS fails to analyze any freeway segments or report any population/growth/employment projections in the City of Long Beach. Under Section 1.2.2.5 (Modal Inter-Relationships and System Linkages), the DEIR/EIS states that "I-405 is part of the National Highway System and is considered a bypass route to I-5 (the Santa Ana/Golden State Freeway) providing intra-regional and inter-regional access between Orange and Los Angeles Counties (p.1-19)." The City of Long Beach is also listed as a "significant employment center" along the proposed project corridor (p.1-12), and the "northern segment (of I-405), between Valley View Street and the I-605, is considered one of the heaviest traveled sections of freeway in the nation (p. 1-20)." Despite these statements concluding the significance of I-405 as a heavily traveled regional access route, the DEIR/EIS fails to analyze any freeway segments or report any population/growth/employment projections within the proposed "project area" (theoretically I-405 to Palo Verde Avenue in the City of Long Beach) on I-405 in the City of Long Beach. Examples of tables in the DEIR/EIS that omit the City of Long Beach include:

- Table 1-2 and 1-3 (Existing and Projected 2020 and 2040 LOS and V/C Northbound and Southbound General Purpose Lanes);
- Table 1-4 (Existing and 2040 No Build Travel Time on I-405 from SR-73 to I-605 for Existing Condition and Year 2040 No Build Alternative);
- Table 1-6 Existing and Projected 2020 and 2040 Daily and Peak-Hour Traffic Volumes on I-405 within the Project Limits);
- Table 1-7 (Population Projections and Growth Trends), and
- Table 1-8 (Employment Projections and Growth Trends).

Missing information and analysis in the City of Long Beach must be added to the document.

4. The DEIR/EIS fails to explain how the added lanes associated with the proposed project on I-405 will transition beyond the Orange County line into Los Angeles County and the City of Long Beach. Section 1.2.2.2, Roadway and Operational Deficiencies, states that "operation problems occur on I-405 primarily because of physical bottlenecks (p.1-14)". However, it remains unclear how the added lanes will transition beyond the Orange County line into Los Angeles County and the City of Long Beach. An additional detailed review relating to this comment is provided under the discussion of Chapter 2, Project Alternatives,



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Comment 1 and Chapter 3.1, Section 3.1.6 Traffic and Transportation/Pedestrian and Bicycle Facilities, Comment 4. Missing analysis of impacts in the City of Long Beach, including traffic volumes, added lane transitions, traffic diversion, level of service and all other relevant issues must be added.

5. The DEIR/EIS fails to provide sufficient evidence supporting the claim that the proposed project would not result in a chokepoint north of I-605 in the City of Long Beach. In addition, the northern terminus of the proposed project does not meet the Logical Termini requirement of the FHWA. Under the discussion of logical termini, the DEIR/EIS states with respect to the northern terminus, "the proposed additional lanes would enhance lane continuity along I-405 and terminate new lanes into available lanes on these other freeways (p.1-23)." The DEIR/EIS also states, "Carrying lanes north to the I-405/I-605/SR-22 interchange would not result in a chokepoint (p.1-24)." If the proposed project's northern most study interchange is the I-405/I-605/SR-22 interchange, how was it determined that the proposed project alternatives would not result in a chokepoint north of the northern terminus? The I-405/I-605/SR-22 interchange does not seem like a "logical termini" for the northern segment of the I-405 Improvement Project. Traffic should be further evaluated after the termination of the proposed project's additional lanes to ensure that a choke point does not occur north of the Orange County/Los Angeles County line in the City of Long Beach. The City of Long Beach does not feel that the northern terminus of the proposed project meets the "logical termini" requirement of the FHWA, as stated in the DEIR/EIS (p.1-24), thus resulting in an issue of "segmentation". The FHWA's discussion on logical termini and segmentation is provided below (The Development of Logical Project Termini, November 1993).

"In developing a project concept which can be advanced through the stages of planning, environment, design, and construction, the project sponsor needs to consider a "whole" or integrated project. This project should satisfy an identified need, such as safety, rehabilitation, economic development, or capacity improvements, and should be considered in the context of the local area socioeconomic and topography, the future travel demand, and other infrastructure improvements in the area. Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action. A problem of "segmentation" may also occur where a transportation need extends throughout an entire corridor but environmental issues and transportation needs are inappropriately discussed for only a segment of the corridor."

Missing analysis of impacts in the City of Long Beach, including traffic volumes, added lane transitions, traffic diversion, level of service and all other relevant issues must be added.

I-405 Improvement Project DEIR/EIS: Chapter 2 – PROJECT ALTERNATIVES

- The DEIR/EIS fails to provide an illustration of how the additional lanes associated with the proposed project on I-405 will transition beyond Orange County into Los Angeles County and the City of Long Beach. Figures 2-1 and 2-2 (Lane Configurations, Northbound and Southbound) graphically illustrate the proposed lane configurations on I-405 between SR-73 and I-605 (p.2-6 and 2-7), but fail to show how the lanes will transition beyond Orange County into Los Angeles County. Proper evaluation of I-405 north of the Orange County/Los Angeles County line needs to be conducted to ensure that a choke point does not occur north of the Orange County/Los Angeles County line in the City of Long Beach. Missing analysis of impacts in the City of Long Beach, including traffic volumes, added lane transitions, traffic diversion, level of service and all other relevant issues must be added.
- Alternative 2 lacks consistency with the current RTP and FTIP. In the discussion of Alternative 2, the DEIR/EIS states that Alternative 2 is "considered a viable project alternative because it would achieve the

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- project's purpose and need (p.2-10)." However, as stated in the Summary section of the DEIR/EIS, one of the proposed project's main purposes is to "be consistent with regional plans (p.5-1)." Table 5-1 (Project Impact Summary Table) clearly states that Alternative 2 is "not consistent with the current RTP or FTP. OCTA is currently pursuing revisions to both documents (p.5-13)." Discussion of the pursuit of Alternative 2's inclusion in the RTP or FTP amendment should be discussed. Further coordination with regional plans and other regional and local planning agencies is required in order to assess the viability of this alternative.
3. **Alternative 3 lacks consistency with the current RTP and FTP.** In the discussion of Alternative 3, the DEIR/EIS states that Alternative 3 is "considered a viable project alternative because it would achieve the project's purpose and need (p.2-14)." However, as stated in the Summary section of the DEIR/EIS, one of the proposed project's main purposes is to "be consistent with regional plans (p.5-1)." Table 5-1 (Project Impact Summary Table) clearly states that Alternative 3 is "not consistent with the current RTP or FTP. OCTA is currently pursuing revisions to both documents (p.5-13)." Further coordination with regional plans and other regional and local planning agencies is required in order to assess the viability of this alternative.
4. **The DEIR/EIS lacks consistency between its chapters with respect to anticipated ramp closures.** Table 2-1 (I-405 Improvement Project Alternatives Comparison) indicates that the northern-most ramp to be closed during construction is the Bolsa Chica Road southbound off-ramp (p.2-30). However, in Section 3.1.6, Traffic and Transportation/Pedestrian and Bicycle Facilities, it states that the southbound off-ramp at Seal Beach Boulevard will be closed between 30 and 30 days (p.3.1.6-106). Please confirm as the closure of the I-405 Seal Beach Boulevard southbound off-ramp will likely impact the City of Long Beach. Closure of a ramp for this duration warrants further evaluation of potential traffic impacts associated with detour routes. An additional detailed review relating to this comment is provided under the discussion of Chapter 3.1, Section 3.1.6 Traffic and Transportation/Pedestrian and Bicycle Facilities, Comment 9. Missing analysis of the potential ramp closure impacts on Long Beach must be added.

I-405 Improvement Project DEIR/EIS: Chapter 3.1 – Human Environment, Section 3.1.4 – COMMUNITY IMPACTS

1. **The DEIR/EIS assumes the proposed project will result in a "beneficial effect on neighborhoods by reducing cut-through traffic" without providing any technical analysis or modeling results.** Under the discussion of permanent Build Alternative impacts, the DEIR/EIS states that "implementation of the proposed project is anticipated to result in beneficial effects on community cohesion by reducing cut-through traffic within the adjacent neighborhoods. Currently, motorists traveling along I-405 often exit the facility and seek less congested alternative routes within the adjacent neighborhoods when freeway conditions deteriorate. Community members living within the vicinity of the I-405 corridor and people commuting between Los Angeles County and Orange County would benefit from the reduced congestion and the improved freeway operations (p. 3.1.4-19)". How was it determined that the proposed project would reduce cut-through traffic in adjacent neighborhoods? Is there empirical evidence (i.e. OCTAM modeling results, peak hour/AADT LOS, V/C analysis) supporting the reduction in cut-through traffic, specifically through the City of Long Beach? Please provide quantitative support that cut-through traffic exists and the magnitude of the cut-through activity. How will the cut-through activity be reduced through implementation of one of the proposed project alternatives? As future volumes increase through the corridor and level of service degrades, what is the impact on Long Beach due to cut-through traffic under future conditions? Additional explanation and supporting documentation of claims made regarding cut-through traffic must be added. Missing analysis of cut-through impacts in Long Beach must be added.

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I-405 Improvement Project DEIR/EIS: Chapter 3.1 – Human Environment, Section 3.1.6 – TRAFFIC AND TRANSPORTATION/PEDESTRIAN AND BICYCLE FACILITIES

1. **Project map includes portions of the City of Long Beach, but the DEIR/EIS fails to conduct any technical analysis within the City.** According to Figure 1-2 (Project Location map) in Chapter 1, Proposed Project, the proposed project area extends approximately one mile north of the Orange County/Los Angeles County line to Palo Verde Avenue in Los Angeles County and the City of Long Beach (p.1-3). However, in Section 3.1.6.2, Affected Environment, the traffic study area is defined as "16 miles along I-405 between SR-73 and I-605 (p.3.1.6-3)." As shown in Figure 3.1.6-1 (Traffic Study Area) (p.3.1.6-5), the study area does not include any Interchanges on I-405 within Los Angeles County or the City of Long Beach. In addition, Table 3.1.6-1 lists the study intersections included in the DEIR/EIS (p.3.1.6-7 to 3.1.6-9), and no arterial intersections in the City of Long Beach were included in the analysis. Missing analysis of freeway and arterial intersections in the City of Long Beach must be added.
2. **The DEIR/EIS fails to provide an illustration of how the additional lanes associated with the proposed project on I-405 will transition beyond Orange County into Los Angeles County and the City of Long Beach.** Figures 3.1.6-3 and 3.1.6-4 (I-405 Lane Schematic, Northbound and Southbound) graphically illustrate the proposed lane configurations on I-405 between SR-73 and I-605 (p.3.1.6-16 and 3.1.6-17). Same comment as Chapter 2, Project Alternatives, Comment 1. Missing analysis of impacts in the City of Long Beach, including traffic volumes, added lane transitions, traffic diversion, level of service and all other relevant issues must be added.
3. **2009 ADT volumes in the I-405 Improvement Project Traffic Study may have been underestimated near the City of Long Beach.** The freeway mainline discussion used Caltrans-published traffic data from the Caltrans website to calculate their 2009 freeway volumes (p.3.1.6-21). 2009 traffic volumes are also shown in Table 3.1.6-2 (I-405 Mainline Average Daily Traffic) (p.3.1.6-22). Same comment as Chapter 1, Proposed project, Comment 2. The noted methodology must be reviewed and corrected if required.
4. **The DEIR/EIS fails to provide a detailed analysis of how the additional anticipated increase in vehicle throughput associated with the project alternatives will transition beyond I-605 through the City of Long Beach.** Table 3.1.6-2 (I-405 Mainline Average Daily Traffic) shows that the proposed alternatives have the potential to increase the mainline ADT up to 142,000 additional daily vehicles (28 to 38 percent increase) beyond existing 2009 conditions on I-405 between SR-22 East and I-605 by 2040 (see Table 2A). Similarly, Table 3.1.6-2 also shows that the proposed alternatives have the potential to generate up to 108,000 additional daily vehicles (18 to 27 percent increase) beyond the No Build scenario on I-405 between SR-22 East and I-605 by 2040 (see Table 2B). It is unclear how the increase in vehicle throughput will be addressed north of the Orange County/Los Angeles County line (specifically in the City of Long Beach) after the proposed project ends. Additional impact analyses need to be evaluated in Los Angeles County and in the City of Long Beach to address the increase in throughput associated with the proposed project alternatives, and the potential for chokepoints and traffic diversion onto adjacent freeways and arterials.

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Table 2A: 2009 vs. Alternatives

Segment	2009	2020					2040		
		No Build	Alt 1	Alt 2	Alt 3	NR	Alt 1	Alt 2	Alt 3
SR-22 East to I-605 ¹	370,000	404,000	433,000	453,000	455,000	427,000	475,000	509,000	512,000
Increase in ADT over 2009		34,000	63,000	83,000	85,000	57,000	105,000	139,000	142,000
Percent increase over 2009		9%	17%	22%	23%	15%	28%	38%	38%

¹ Source: Table 3.1.6-2, I-405 Mainline Average Daily Traffic, p. 3.1.6-22

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Table 2B: No Build vs. Alternatives

Segment	2009	2020				2040			
		No Build	Alt 1	Alt 2	Alt 3	NB	Alt 1	Alt 2	Alt 3
SR 22 East to I-405 ¹	370,000	404,000	433,000	453,000	455,000	427,000	475,000	509,000	512,000
Increase in ADT over No Build			29,000	49,000	51,000	23,000	71,000	105,000	108,000
Percent Increase over No Build			7%	12%	13%	6%	18%	26%	27%

¹Source: Table 3.1.6-2, I-405 Mainline Average Daily Traffic, p. 3.1.6-22

Missing analysis of impacts in the City of Long Beach, including traffic volumes, added lane transitions, traffic diversion, level of service and all other relevant issues must be added.

5. As discussed in the DEIR/EIS Traffic Forecasting Model discussion, "A single demand forecast was prepared for the proposed project area. Freeway mainline forecasts for each of the alternatives utilize the same total traffic volumes on a segment but redistribute volumes among the different lane types, as necessary (p.3.1.6-39)." It also states that, "Because of a very small variation in projected traffic volumes during the peak hours at the freeway interchanges among the three proposed project alternatives, it was jointly agreed by Caltrans, OCTA, and the Project Consulting Team that only one set of future traffic volumes would be used for analyzing the proposed project condition on the arterials (p.3.1.6-39)." The following comments are related to the aforementioned assumptions:

- The DEIR/EIS assumes travel demand is fixed through the corridor, irrespective of actual corridor capacity. The traffic study indicates that OCTAM was applied to generate future forecast volumes for the corridor. However, it has been noted that one future model run was prepared to generate future corridor forecast volumes and the traffic volumes were distributed across the various lane assumptions for each alternative. This approach is flawed in that it assumes travel demand is fixed through the corridor and irrespective of actual corridor capacity. Which future scenario was run with OCTAM to determine corridor travel demand and how was that determination made?
- The DEIR/EIS should provide further justification for using a single forecast to develop future forecast volumes. Application of OCTAM for other congested corridors in Orange County has revealed a sensitivity to capacity with traffic demand varying based on the amount (i.e. number of lanes) and type (general purpose, HOV, toll) of capacity provided. For the congested I-405 corridor, Table 3.1.6-12 reveals that every segment of I-405 is significantly over capacity for each proposed project alternative (p.3.1.6-73). With congestion levels of this magnitude, OCTAM would be expected to generate different levels of traffic demand for each proposed project alternative which would result in a more appropriate comparative analysis between the proposed project alternatives. It is not understood, nor explained, how a single forecast model run could generate the demand volumes for the various future project alternatives. Justification for using a single forecast to develop future forecast volumes should be provided. OCTAM has been applied to evaluate various HOV, toll and express lane projects throughout the County; why would it not be applied for each alternative?
- The DEIR/EIS should provide clear documentation of future year model network assumptions. Future year model assumptions that were applied to generate the future corridor traffic volumes are not clearly defined. The recently adopted Regional Transportation Plan includes Express Lanes on I-405 in Los Angeles County and the traffic study does not clearly define network assumptions incorporated into the model run that was performed to generate the future forecasts. The alternative lane schematics seem to indicate that Express Lanes were not assumed in Los Angeles County. Regional projects could impact traffic demand on I-405 including capacity on I-5 in Orange and Los Angeles County, Express Lanes on I-405 in Los Angeles County, implementation of High Speed Rail and other regional multi-modal projects. It has been noted

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elsewhere in the document that I-405 serves as a bypass route to I-5 (the Santa Ana/Golden State Freeway) providing intra-regional and inter-regional access between Orange and Los Angeles Counties and as such improvements to I-5 would impact I-405 traffic demand. Clear documentation of future year model network assumptions based on the adopted Regional Transportation Plan should be provided to appropriately assess future forecast volumes.

- Clarification should be provided documenting why a 2020 scenario was not modeled directly to generate the opening year volumes. Year 2020 traffic volumes were interpolated from the 2009 and 2040 forecast volumes. Clarification should be provided as to why a 2020 scenario was not modeled directly to generate the opening year volumes. As noted in the study, the OCTAM horizon year is 2035 and post-processing was applied to generate 2040 forecasts. Since 2040 is a post-processed volume, why would the interpolation not be performed between 2009 and the actual model horizon year of 2035 to generate a more accurate interim year forecast volume if a 2020 scenario is not directly modeled? Interpolating volumes for a corridor of this magnitude may not provide accurate results as interpolation does not appropriately consider network assumptions and timing of those infrastructure improvements that may impact forecast volumes. Consistent with the 2040 forecast volumes, corridor capacity assumptions for the alternatives would likely result in varying levels of demand across alternatives. Forecasts for Alternative 3 are suspect since the Express Lane volumes appear to be rounded to 100's while HOV volumes for all alternatives along with mainline volumes are presented as exact numbers with no rounding. The rounded Express Lane volumes appear inconsistent with the methodology applied to generate the volumes for the other alternatives.
- High future forecast volumes in the City of Long Beach raise concerns regarding future traffic operations. Traffic should be evaluated north of the Orange County/Los Angeles County line. The magnitude of future forecast volumes approaching the City of Long Beach are very high, thus concerns exist about how the future forecast volumes are generated and ultimately impact traffic operations in and through the City of Long Beach.

A significant amount of information is missing and must be provided in the sections of the EIR/EIS describing the traffic modeling methodology and results. Missing information relating to several key modeling issues must be provided. Much more detailed information describing how one future model run could adequately capture future travel, what would be the differences in corridor travel demand and travel demand in Long Beach if OCTAM was run with the actual alternatives coded in the model, what would be the differences if a 2020 model run was conducted versus "interpolating" model results, what would be the resulting travel demand be if Express Lanes were coded into the model within Orange County as well as within Los Angeles County, and other similar issues.

- The DEIR/EIS lacks a sufficient discussion regarding the travel demand forecasts assumptions under Alternative 3. As discussed under Alternative 3, the travel demand forecasts for Alternative 3 use the same travel demand forecasts as the other alternatives. No discussion is provided regarding the effect that toll lanes may have on the travel demand in the study area, nor outside of the study area into the City of Long Beach and Los Angeles County. Recent work undertaken in the City of Long Beach and the Gateway Cities reveals that tolling assumptions can have a significant impact on travel demand forecasts and allocation of traffic among the types of lanes on the facility. In addition, coordination of assumptions across county lines is critical to this analysis. For example, assumptions such as peak/off-peak tolling rates and the decision to charge or not charge vehicles with various vehicle occupancy thresholds (such as 3+ carpools) can significantly affect the results in terms of Express Lane usage. The amount of demand in the Express Lanes not only affects the corridor under study but also could significantly affect local arterials and the State Highway System in the City of Long Beach. As of now, there is not a consistent policy regarding how to handle Express Lane toll rates and operations across county lines. All of these issues

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I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

are ignored within the traffic study and the resulting travel demand and associated analysis could be significantly affected. Discussion of these issues must be included in the analysis of Alternative 3 along with detailed analysis of the affects that the tolling will have on travel demand and operations into the City of Long Beach on both I-405 and I-605. The following important questions are raised:

- a. What happens if the proposed project is built but the Express Lanes are not continued into Los Angeles County?
- b. How would the lanes transition and operate in the City of Long Beach if the proposed project is built?
- c. Metro is currently considering Express Lanes on I-405 in Los Angeles County. What happens if the proposed project is built and the Express Lanes are carried into the City of Long Beach and Los Angeles County? How would that not only affect freeways in Los Angeles County, but how would that affect the travel forecasts for the proposed project in Orange County as well? With the modeling conducted as described, there is no way to understand the variation in the proposed project area volumes that would occur under these scenarios and thus the EIR does not disclose the true impacts of the proposed project either in the study area nor in the area that should have additionally been studied in the City of Long Beach.
- d. What types of coordination would be required and how would the lanes operate, specifically as a result of implementing the proposed project?
- e. What are the differences in travel demand in the City of Long Beach for the scenarios with and without Express Lanes carried across the county line?

Significant additional information and analysis is required to understand potential impacts of the alternatives in both Orange County as well as into Long Beach. Model run tests are needed to test impacts of alternative scenarios in the project area as well as in the missing affected areas in Long Beach. It is appropriate to test potential extensions of Express Lanes into Los Angeles County, as well as if Express Lanes were ended at the county line. If Express lanes are not extended into Los Angeles County, significant additional analysis of operational and geometric issues in Long Beach must be included so that there is documentation of potential impacts in Long Beach under all alternatives, with and without Express Lanes.

7. The DEIR/EIS lacks analysis regarding possible increases the general purpose lanes or diversion to other routes in the City of Long Beach due to increased congestion. It is known that Express Lanes will likely result in some shifting of traffic from the Express Lanes (prior HOV lanes) to the General Purpose lanes. This could either increase the general purpose lane volume in the City of Long Beach, or result in diversion to other routes in the City of Long Beach due to increased congestion in the general purpose lanes, or both. These possible significant impacts have not been considered or analyzed in the traffic study. Missing information on Express Lane impacts on the freeway system must be added.
8. The DEIR/EIS fails to provide details regarding the transition area beyond the Orange County line into Los Angeles County and the City of Long Beach. Table 3.1.6-17 (Transition Area LOS) summarizes the AM and PM LOS in each of the transition areas anticipated in 2020 and 2040 under Alternative 3 and No Build (p.3.1.6-97). However, no transition areas were evaluated on I-405 north of the I-605/I-405/SR 22 intersection in Los Angeles County or the City of Long Beach. Missing information and analysis of impacts in the City of Long Beach must be added.

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GL12 Continued



I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

9. The DEIR/EIS lacks consistency between its chapters and associated reports with respect to anticipated ramp closures. As discussed under Temporary Build Alternative Impacts (p. 3.1.6-106), the I-405 southbound off-ramp at Seal Beach Boulevard is expected to be closed between 10 to 30 days during construction. Closure of the Seal Beach Boulevard off-ramp will likely result in cut-through traffic in the City of Long Beach. The DEIR/EIS for the proposed project states that tentative detours for the ramp closures are identified in the Ramp Closure Study (RCS) (Appendix C of the Community Impact Assessment). When the RCS was reviewed, Table 1 (Local Service Interchange Ramps and Anticipated Closure within the I-405 Improvement Project) indicated that the Seal Beach Boulevard southbound off-ramp has an AADT of 10,500 and will be closed for up to 30 days. However, in the "Description of Prolonged Closure Sites and Proposed Detour Route" section of the RCS, all ramps with anticipated long-term ramp closures (10 or more days) were listed and described in detail, with the exception of the Seal Beach Boulevard southbound ramp. The "Bolsa Chica Road Southbound Off-Ramp" was described where the "Seal Beach Boulevard Southbound Off-Ramp" description should have been. The alternate route maps in the report's attachment also omit the Seal Beach Boulevard Southbound Off-Ramp. This is a noteworthy discrepancy because closure of the Seal Beach Boulevard southbound off-ramp could significantly impact construction-related traffic in and around alternate I-405 ramps and adjacent arterials in the City of Long Beach.

- a. The "Ramp Closure" list in the Transportation Management Plan (TMP) for the proposed project is also inconsistent with the DEIR/EIS and Table 1 of the RCS. The DEIR/EIS and Table 1 of the RCS indicate that the southbound off-ramp at Seal Beach Boulevard will be closed for up to 30 days and the list of ramp closures from the TMP (p.11) indicates that Bolsa Chica Road southbound off-ramp will be closed.

Missing analysis of potential ramp closures in Long Beach must be added.

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I-405 Improvement Project DEIR/EIS: Chapter 3.6 – CUMULATIVE IMPACTS

1. The DEIR/EIS fails to analyze the cumulative impact of future growth in the City of Long Beach. As discussed in Section 3.6.2 of the Cumulative Impact section, Methodology, future growth was considered within "the Cities of Costa Mesa, Fountain Valley, Garden Grove, Huntington Beach, Los Alamitos, Westminster, and Seal Beach as well as the County of Orange unincorporated community of Rossmore (p.3.6-2)." The list of cities and unincorporated areas included in the cumulative analysis includes all of the cities and areas listed in the proposed Project Description (p.5-2) in the DEIR/EIS Summary, with the exception of the City of Long Beach. The growth in City of Long Beach should be included in the proposed project's cumulative analysis. The proposed project description in the DEIR/EIS Summary is as follows:

"The approximately 16-mile-long project corridor is primarily located in Orange County on I-405 and traverses the cities of Costa Mesa, Fountain Valley, Huntington Beach, Westminster, Garden Grove, Seal Beach, Los Alamitos, Long Beach and the community of Rossmore."

Missing cumulative analysis must be added.

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This concludes our summary of comments on the EIR/EIS documents. There are likely other comments that will be appropriate following receipt of responses. Please let us know if you have any questions or concerns. Iteris, Inc. would be happy to meet with City staff to discuss the results of the review and technical memorandum.

GL12 Continued



I-405 Improvement Project DEIR/EIS Comments, July 17, 2012

Sincerely,

Gary Hamrick
Vice President
Transportation Systems
Iteris, inc.

GL12 Continued



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

October 22, 2009

Smita Deshpande
Branch Chief
Caltrans District 12
Attn: 405 Scoping
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Subject: Notice of Preparation of a Draft EIR for the Caltrans San Diego Freeway (I-405) Improvement Project

Dear Ms. Deshpande:

Thank you for the opportunity to review the Notice of Preparation for the San Diego Freeway (I-405) Improvement Project. The following comments are submitted for your consideration in the preparation of the Draft EIR.

1. The City of Long Beach respectfully requests the Draft EIR evaluate both operational and construction - related impacts to traffic on the freeway system and adjacent arterial streets.
2. It's the City of Long Beach's understanding Caltrans currently does not plan to add lanes to the I-405 freeway north of the I-605 freeway. It's unclear how the proposed additional lanes would integrate thru the interchange with the existing freeway segments that won't be widened. The proposed project could create potential significant traffic flow impacts due to capacity constraints and the creation of a bottleneck thru the interchange.
3. The City of Long Beach respectfully requests that Caltrans consider the combined impacts of the West County Connectors project and the proposed new project, which would result in the addition of up to three lanes in each direction beyond what exists today.
4. The City of Long Beach respectfully requests that Caltrans use regional modeling software to determine the potential diversion of traffic on freeway segments within Los Angeles County resulting from any bottlenecks created by the project alternatives.
5. The City of Long Beach respectfully requests the study area be expanded to include the I-405 corridor from Lakewood Boulevard to the I-605 freeway and the study include evaluation of impacts to traffic movement in the expanded study area, including movements at the Lakewood Boulevard, Bellflower Boulevard, Woodruff Avenue and Palo Verde Avenue ramps.

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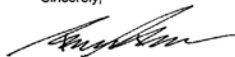
GL12 Continued

Smita Deshpande
Page 2 of 2

6. The City of Long Beach respectfully requests the study area be expanded to include CA-22 from the I-405 freeway to CA-1. It's possible that CA-22 into Long Beach could become a diversion around the bottleneck created thru the interchange.
7. The City of Long Beach respectfully requests the study area be expanded on the I-605 freeway from the I-405 to Carson Street. It's possible that traffic currently using the I-405 could divert to the I-605 to avoid the bottleneck created thru the interchange.
8. The proposed project may create a potential significant impact in the form of substantial traffic disruption on streets within Long Beach during construction. Traffic mitigation may be required in Long Beach to accommodate additional traffic on arterial streets and to keep commuter traffic out of neighborhoods during the construction phase. The City of Long Beach respectfully requests that a preliminary Traffic Management Plan be developed as a part of the EIR process.

Thank you again for the opportunity to review the Notice of Preparation for the San Diego Freeway (I-405) Improvement Project. The City of Long Beach looks forward to working with Caltrans and OCTA staff to resolve the outstanding issues identified in this comment letter.

Sincerely,



David Roseman
City Traffic Engineer

cc: Mark Christoffels
Michael Conway

GL13



ROSSMOOR COMMUNITY SERVICES DISTRICT
3001 BLUME DRIVE, ROSSMOOR, CA 90720 / (562) 430-3707 / FAX (562) 431-3710

July 16, 2012

Smita Deshpande, Branch Chief
Caltrans-District 12
Attn: I-405 DEIR-DEIS Comment Period
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Re: Rossmoor Community Services District Response to DEIR-I-405 Improvement Project

Ms. Deshpande:

I am writing to provide comments on the above-referenced DEIR on behalf of the Rossmoor Community Services District (the "District"). The District is a local government agency that provides a number of services to the community of Rossmoor. At its regular meeting of July 10, 2012, the District's Board authorized the submission of these comments.

As you may know, this community has been engaged with the planning and construction impacts of the West Coast Connector Project for about a decade. We are therefore quite concerned about the impacts resulting from this new project.

You may also be aware that Rossmoor is a small community and that the District has a very small staff. Therefore, we are relying on the good offices of the City of Seal Beach and its substantive critique of the DEIR. Rossmoor and the City of Seal Beach share a common border with the proposed project. Rossmoor is bounded on the south by the I-405 and the SR 22 and on our western border by the I-605 (probably a longer stretch than most cities along the project).

The District has thoroughly reviewed the DEIR and the comments thereon prepared by the City of Seal Beach. To the extent that the City's comments parallel the District's concerns, we incorporate the City's submittal by reference. Most specifically, the residents of Rossmoor have expressed strong concerns over the following aspects of the project:

1. The bottleneck that will occur with the added capacity of the northbound I-405 at the Los Angeles/Orange County line. This backup of traffic will become increasingly exacerbated with Alternatives 2 and 3. The increased number of traffic lanes being squeezed into existing L.A. County freeways will, in all likelihood, stall traffic, particularly as vehicles jockey between lanes to access the options provided by the I-405, I-605 and the SR 22.
2. As a result of No. 1, above, the amount of pollution emission for slow or stopped vehicles will dramatically increase. This will have an adverse affect on children attending Rossmoor's three elementary schools which are very close to the project. The District is deeply troubled by the substantial stress this project will relentlessly impose on sensitive receptors like the elderly, infirm and young children; particularly the impact it will have on Hopkinson Elementary School,

GL13 Continued

located at 12582 Kensington Road in Rossmoor, CA, less than 600 ft. from the number 3 and 4 lanes. This exceptionally tight proximity to the roadway raises serious safety concerns for our elementary school children attending class on weekdays, between the hours of 8:30 a.m. and 3:00 p.m. The increasing intrusion of the freeway will also negatively impact those residents whose property backs up or is close to the project's sound wall.

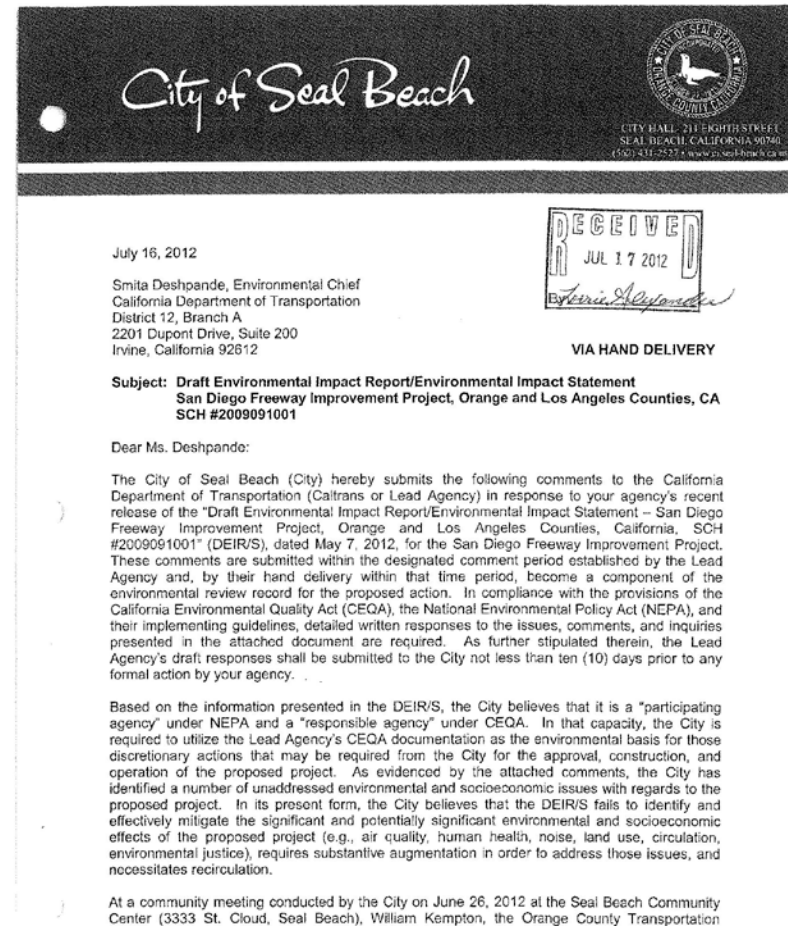
3. Also, as a result of No. 1, above, noise levels will increase dramatically as a result of the increased through put of vehicles, most particularly with Alternatives No. 2 and No. 3. The overall affect on the quality of life in the Rossmoor community will be reduced for a majority of residents who already experience the disturbance created by the current freeway system.

As I have previously stated, the District is unable to perform the level of analysis done by the corridor cities and is grateful to the City of Seal Beach for granting the District access to its work product. Even though the District has only articulated a few specific issues, we stand with our neighboring communities in the belief that the DEIR inadequately addresses the environmental effects on our communities and the region. The District respectfully request that you respond to the comments provided by the City of Seal Beach as well as those articulated herein.

Cordially,

Alfred A. Coletta
Alfred Coletta, Board President
Rossmoor Community Services District

GL14



GL14 Continued

Authority's (OCTA) Chief Executive Officer (CEO), stated that the "OCTA is the decision-making body" for the proposed project. In contrast, the DEIR/S only identifies the OCTA as the "project sponsor." This apparent inconsistency is problematic since Caltrans' "lead agency" status and the role that the OCTA and its contractors played in the preparation of the DEIR/S is brought into question. At that same meeting, the City was informed that the OCTA's Board of Directors would be taking formal action on the project at their August 13, 2012 meeting, substantially in advance of the culmination of the environmental process. Prior to the certification of the EIR and approval of the environmental impact statement (EIS), the City believes that any action committing any public agency (inclusive of the OCTA) to a specific course of action would be premature.

Additional correspondence concerning the proposed project and the adequacy of the DEIR/S have been submitted to Caltrans and the OCTA under separate cover.

On behalf of its residents and business community, the City appreciates the opportunity to submit comments on the DEIR/S. Should you have any questions concerning these comments or would like to schedule a meeting to discuss the City's concerns, please contact me at (562) 431-2527, extension 1318.

Sincerely,



Mike Levitt
Mayor

Enclosures

cc: Will Kempton, OCTA CEO
Niall Barrett, OCTA Project Manager (w/enclosures)
405.deecomments.Parsons@parsons.com (w/ enclosures)

Proof of Delivery:

Signature of accepting party or date stamp

GL14 Continued

**Third-Party Review
Technical Comments**
(July 12, 2012)

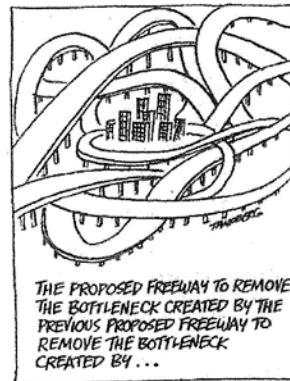
**Draft Environmental Impact Report
Environmental Impact Statement
San Diego Freeway Improvement Project
Orange and Los Angeles Counties, California
SCH No. 2009091001**

Prepared for:
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Assistant City Manager/Director of Public Works
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July 12, 2012

GL14 Continued



Source: Federal Highway Administration, An Agency Guide on Overcoming Unique Challenges to Localized Congestion Reduction Projects, September 2011.

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SJM No. 2009091001

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- A W.G. Zimmerman Engineering, Inc. Alternative Design Configurations, July 2012
- B Council on Environmental Quality, Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact, January 14, 2011
- C Cervero, Robert and Hansen, Mark, Induced Travel Demand and Induced Road Investment, A Simultaneous Equation Analysis, Journal of Transport Economics and Policy, Volume 36, Part 3, September 2002, pp. 469-490
- D Environmental Council of Sacramento v. California Department of Transportation, Case No. 07/CS00967, July 15, 2008
- E Cervero, Robert, Beyond Travel Time Savings: An Expanded Framework for Evaluating Urban Transport Projects, World Bank, 2011
- F Grahame, Thomas J. and Schlesinger, Richard B., Cardiovascular Health and Particulate Vehicular Emissions: A Critical Evaluation of the Evidence, Air Quality, Atmosphere and Health, 3:3-27, 2010; Knibbs, Luke D., Cole-Hunter, Tom, and Morawska, Lidia, A Review of Commuter Exposure to Ultrafine Particles and its Health Effects, Atmospheric Environment 25:2611-2622, 2011. Zhu, Yifang et al., Study of Ultrafine Particles Near a Major Highway with Heavy-Duty Diesel Traffic, Atmospheric Environment 36:4323-4335, 2002; Hu, Shishan et al., A Wide Area of Air Pollutant Impact Downwind of a Freeway during Pre-Sunrise Hours, Atmospheric Environment 43:2541-2549, 2009; Araujo, Jesus A. et al., Ambient Particulate Pollutants in the Ultrafine Range Promote Early Atherosclerosis and Systemic Oxidative Stress, Circulation Research, March 14, 2008, p. 588; Li, Ning et al., Ultrafine Particulate Pollutants Induce Oxidative Stress and Mitochondrial Damage, Environmental Health Perspectives, Vol. 111, No. 4, April 2003, p. 455; Delfino, Ralph J. et al., Association of Biomarkers of Systemic Inflammation with Organic Components and Source in Quasi-Ultrafine Particles, Environmental Health Perspectives, Vol. 116, No. 6, June 2010, p. 756; and Henkey, Steve, Marshall, Julian D., and Brauer, Michael, Health Impacts of the Build Environment: Within-Urban Variability in Physical Inactivity, Air Pollution, and Ischemic Heart Disease Mortality, Environmental Health Perspectives, Vol. 120, No. 2, February 2012, p. 247

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- G Brugge, Doug et al., Near Highway Pollutants in Motor Vehicle Exhaust: A Review of Epidemiologic Evidence of Cardiac and Pulmonary Health Risks, Environmental Health, August 9, 2007.
- H Gauderman, James W. et al., Effects of Exposure to Traffic on Lung Development from 10 to 16 Years of Age: A Cohort Study, Lancet, Vol. 368, 2006

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List of Acronyms	
Acronym	
A	annual average daily trips
AADT	American Association of State Highway and Transportation Officials
AASHTO	Assembly Bill
AB	average daily traffic or average daily trips
ADT	Air Quality Report - San Diego Freeway (I-405) Improvement Project SR-73 to I-805, Orange and Los Angeles Counties
AQR	
B	business as usual
BAU	black carbon
BC	bus-rapid-transit
BRT	
C	Clean Air Act
CAA	Federal Clean Air Act Amendments
CAAA	California Department of Transportation
Caltrans	California Air Resources Board
CARB	Congressional Budget Office
CBO	California Code of Regulations
CCR	California Department of Public Health
CDPH	Council on Environmental Quality
CEQ	California Environmental Quality Act
CEQA	Memorandum to Heads of Agencies on the Application of the National Environmental Policy Act to Proposed Federal Actions in the United States with Transboundary Effects
CEQ Memorandum	Council on Environmental Quality Regulations
CEQ Regulations	Code of Federal Regulations
C.F.R.	methane
CH	Community Impact Assessment - San Diego Freeway (I-405) Improvement Project SR-73 to I-805, Orange and Los Angeles Counties
CIA	City of Seal Beach
City	2011 Orange County Congestion Management Program or congestion management process
CMP	Congestion Management System
CMS	carbon dioxide
CO	carbon monoxide
CO ₂	California Road System
CRS	Corridor System Management Plans
CSMPs	California Transportation Commission
CTC	Statewide Transportation Needs Assessment, Final Report
CTC Needs Assessment	
D	decibel
dB	decibel - A weighted
dBA	Draft Environmental Impact Report/Environmental Impact Statement - San Diego Freeway Improvement Project, Orange and Los Angeles Counties, California, SCH #2009091001
DEIR/S	California Department of Transportation
Department	diesel particulate matter
diesel PM	United States Department of Transportation
DOT	
E	environmental impact report
EIR	Executive Order
EO	Environmentally Sensitive Area
ESA	
F	California Freeway and Expressway System
F&E System	Federal Highway Administration
FHWV	
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Acronym	
FTA	Federal Transit Administration
G	
GHG	greenhouse gas
GP	general purpose
H	
HC	hydrocarbons
HCA	high consequence areas
HCM	Highway Capacity Manual
HFCs	hydrofluorocarbons
HOT	high-occupancy toll
HOV	high-occupancy vehicle
HP	high pressure
H.R.	House Resolution
HUD	United States Department of Housing and Urban Development
I	
I	Interstate
I-405	San Diego Freeway
I-5	Santa Ana Freeway
I-5 FEIR/S	Final Environmental Impact Report/ Environmental Impact Statement - Interstate 5 (Santa Ana Freeway) from State Route 91 in Orange County to Interstate 605 in Los Angeles County, California
I-710	Long Beach Freeway
I-710 Corridor DEIR/S	Draft Environmental Impact Report/Environmental Impact Statement and Section 4(f) Evaluation - I-710 Corridor Project, Los Angeles County, California, District 07-LA-710-FM 4/9/24 9, EA 248900
ILEV	inherently low-emission vehicle
IMP	integrity management program
ISA	Initial Site Assessment - San Diego Freeway (I-405) Improvement Project SR-73 to I-805, Orange and Los Angeles Counties
K	
KV	Kilovolt
L	
LACMTA	Los Angeles County Metropolitan Transportation Authority
Lead Agency	California Department of Transportation
LEM	low-emission vehicle
Level of service	LOS
LSP	Final Report - Traffic Congestion and Reliability: Linking Solutions to Problems
LRTP	2005 Long-Range Transportation Plan
2010 LRTP	Destination 2035 - Moving Toward a Green Tomorrow
M	
MAOP	maximum allowable operating pressure
MATES-II	Multiple Air Toxics Exposure Study, Final Report (2000)
MATES-III	Multiple Air Toxics Exposure Study (2008)
Measures M2	Renewed Measure M Program
Methodology	Final Localized Significance Threshold Methodology
Metro	Los Angeles County Metropolitan Transportation Authority
MF	mixed flow
MIS	Interstate 405 Major Investment Study, Final Report
MOE	measures of effectiveness
MOV	multiple-occupant vehicle
MP	title Post
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Acronym	
MPAH	Master Plan of Arterial Highways
MPO	metropolitan planning organization
MSATs	mobile source air toxics
N	
NAVWPNSA	Naval Weapons Station
NEPA	National Environmental Policy Act
NH ₃	ammonia
N ₂ O	nitrous oxide
NDI	Notice of Intent
NDP	Notice of Preparation
NOx	oxides of nitrogen
NRC	National Research Council
O	
OBNE	Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality
OC/LA Intercounty Study	Orange and Los Angeles Intercounty Transportation Study – Conceptual Alternatives Report
OCTA	Orange County Transportation Authority
OCTAM	Orange County Transportation Analysis Model
OH	overhead
OPR	Governor's Office of Planning and Research
OPS	Office of Pipeline Safety
P	
P	page
P&N	purpose and need
Parsons	Parsons Transportation Group
PDT	project development team
PFCs	perfluorocarbons
PIR	potential impact radius
PM	particulate matter
PRC	Public Resources Code
psi	pounds per square inch
PSR/PDS	Project Study Report/Project Development Support
P3	public-private partnership
PTI	planning time index
R	
RCR	Route Concept Report – Interstate 405, San Diego Freeway, 12-ORA P.M. 0.23/24, 18
RIM	Draft Relocation Impact Memorandum – San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties
RCS	Ramp Closure Study
ROW	right-of-way
RTP	regional transportation plan
2012 RTP/SCS	2012-2035 Regional Transportation Plan/Sustainable Communities Strategy
S	
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SAFETEA-LU Guidance	SAFETEA-LU Environmental Review Process Final Guidance
SANBAG	San Bernardino Associated Governments
SB	Senate Bill
SCAG	Southern California Association of Government
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison

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Acronym	
Seal Beach	City of Seal Beach
SF	self finance
SFDU	single-family dwelling units
SF ₆	sulfur hexafluoride
SGP	Strategic Growth Plan
SHELL	Subsystem of Highway for the Movement of Extra Legal Loads
SHOPP	State Highway Operations and Protection Program
SHS	State Highway System
SOV	single-occupant vehicle
SOx	sulfur oxides
SR	State Route
SR-55	Costa Mesa Freeway
STAA	1990 Federal Surface Transportation Assistance Act
State CEQA Guidelines	Guidelines for the Implementation of the California Environmental Quality Act
STPP	Surface Transportation Policy Project
T	
TAC	toxic air contaminants
TASAS	Traffic Accident Surveillance and Analysis System
TCA	Transportation Corridors Agency
TDM	transportation demand management
Tg CO ₂ Eq.	teragrams of CO ₂ equivalent
TMA	Transportation Management Areas
TMP	Draft Transportation Management Plan for Interstate 405 Improvement Project
TOAR	I-710 Corridor Project Traffic Operations Analysis Report, Final Report
TOD	transit-oriented development
TOPS	Traffic Operations Strategies
TOT	truck only toll
Traffic Study	Traffic Study – San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties
TRB	Transportation Research Board
Triennial Report	Measure M2 Triennial Performance Assessment Status Report, Staff Report
TSM	transportation management system
TTI	travel time index
U	
UFP	ultrafine particulates
U.S.	United States
U.S.C.	United States Code
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
USNWP	United States Naval Weapons Station
V	
VIA	Visual Impact Assessment – San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties
VMT	vehicle miles traveled
VOCs	volatile organic compounds
vph	vehicles per hour
vphpl	vehicles per lane per hour
W	
WCC	West Orange County Connector Project
WCC FEIR/S	Final Environmental Impact Statement and Environmental Impact Report – State Route 22/West Orange County Connector, SCH No. 98094001
WGZE	W.G. Zimmerman Engineering, Inc.

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1.0 INTRODUCTION

Although not clearly specified as such, the proposed action is predicated, in whole or in part, on the passage of both "Measure M," as approved by Orange County voters in November 1990, authorizing a 20-year program (sunset on March 31, 2011) to finance specific transportation projects, and the "Renewed Measure M Program" (Measure M2) Program, as approved by Orange County's voters on November 7, 2006 (sunset on March 31, 2041). Specifically identified therein was "Project K (San Diego Freeway [I-405] Improvements between the I-605 Freeway in Los Alamitos area and Costa Mesa Freeway [SR-55])," authorizing the construction of "new lanes on the San Diego Freeway between the I-605 and SR-55 Freeways, generally within the existing right-of-way." Because it was a voter-approved measure, the Orange County Transportation Authority (OCTA) has an obligation to Orange County's voters to pursue that mandate. Within the mandate of Measures M/M2, OCTA's transportation planners have sought to fulfill that obligation and to "make best use of available freeway property, update interchanges and widen all local overcrossings according to city and regional master plans" (Measure M2). Because "best" can be highly subjective, the term "best use" must first be defined so that an objective, measureable yardstick can be established against which alternatives can be judged.

To the extent that the proposed action is directly tied to specific freeway improvements previously identified and supported by more than two-thirds of the Orange County's voters, surprising absent from the project's declared "purpose and need" (P&N) statement and specified project objective(s) is any explicit reference to Measures M/M2 therein. If so linked and if a more voter-specific alternative had been presented for public consideration, accomplishable within the budgetary limitations approved by the voters, it is reasonable to assume that greater support for the proposed action could have been engendered within the City of Seal Beach (City or Seal Beach). Whether the result of subsequent engineering analysis or a behind-the-scenes determination that a more extensive improvement project could be undertaken within the general confines of the existing right-of-way, the project has now mushroomed into something barely resembling the Measure M/M2 project description and subsequent voter's authorization.

A larger and more encompassing project may, in fact, have merit from a traffic engineering perspective. However, if the project is no longer that which was first envisioned by the County's voters (and costing substantially more than the amount authorized), sound planning and prudent management of public funds suggests that a "step back" rather than a blind "leap forward" is called for, including a reasonable dialogue as to what might constitute "best use." Since that did not occur, the City must respond specifically to the information and analysis (or absence of information and analysis) presented in the "Draft Environmental Impact Report/Environmental Impact Statement – San Diego Freeway Improvement Project, Orange and Los Angeles Counties, California, SCH #2009091001" (DEIR/S) rather than working cooperatively with the OCTA to engage Seal Beach's residents, business community, and the California Department of Transportation (Lead Agency or Caltrans, or Department) in a broader discussion of sound transportation planning solutions to the mobility and accessibility issues confronting the region.

1.1 Introduction to the City's Written Comments

The following comments are submitted by or on behalf of the City in response to Caltrans' release of the DEIR/S on May 18, 2012 and are intended for inclusion in the environmental review record established under the provisions of the: (1) National Environmental Policy Act (NEPA), as codified in Sections 4321-4347 in Title 42 of the United States Codes (U.S.C.); (2) the Council on Environmental Quality's (CEQ) "Regulations for Implementing the Procedural

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Provisions of the National Environmental Policy Act" (CEQ Regulations), as codified in Parts 1500-1508 in Title 40 of the Code of Federal Regulations (C.F.R.); (3) the California Environmental Quality Act (CEQA) as codified as Sections 21000 et seq. in the California Public Resources Code (PRC), and (4) the "Guidelines for the Implementation of the California Environmental Quality Act" (State CEQA Guidelines), as codified in Sections 15000 et seq. in Title 14, Chapter 3 of the California Code of Regulations (CCR).

Through the presentation of these comments, the City seeks to raise certain environmental and socioeconomic issues with regards to the proposed action, articulate the concerns which have been presented to City staff and Seal Beach's elected officials by City residents and members of the City's business community, ensure that the City's issues and concerns become part of the environmental review process for the proposed project, and elicit detailed, written responses from the Lead Agency and OCTA for the purpose of promoting informed decisionmaking.

Because the I-405 (San Diego) Freeway traverses the City, any physical changes to that facility or functional changes affecting its operation and use have the potential to adversely affect Seal Beach, its residents, and business community. In recognition of the project's potential to adversely affect this community and the long-term environmental consequences of the proposed action, the City (acting on its on and on-behalf of the City's affected residents and businesses) constitutes an affected stakeholder with legitimate and appropriate standing to actively participate in the CEQA and NEPA process.

The Lead Agency states that the project's effectuation may be dependent upon the issuance or approval of one or more discretionary actions from the City (Table 2-2, p. 2-52). As a result, since Seal Beach must satisfy its own environmental compliance obligations, these comments are presented in the context of CEQA and NEPA and are intended to seek clarification of and/or expansion upon the information presented in the DEIR/S and the planning process upon which that analysis was derived. Because of our many shared interests, the need for cooperation and effective communication is particularly evident when regional and subregional issues are at hand. For all activities undertaken within its corporate boundaries, the City seeks to ensure a collaborative and cooperative planning and entitlement process through which Seal Beach's issues and concerns are given both ample voice and deferential consideration with regards to project-related and cumulative impacts on the residents and business interests within the City.

The City recognizes that prudent short-term and well-founded, long-term actions are called for in order to address existing and reasonably foreseeable traffic and transportation-related issues affecting the southern California area. As the major regional conduit serving Seal Beach, the City recognizes that improvements to and/or modifications of the I-405 Freeway may be required as part of a broader strategy to address those traffic and transportation needs. As a likely beneficiary, the City is an advocate for both prudent, well-planned improvements to the interstate and arterial highway system and for other accessibility-enhancing travel options.

Except where another document is first identified, excerpts and page references cited herein are with regards to the DEIR/S and are intended to be illustrative and not exhaustive (e.g., issues being raised may be systemic and not isolated to the single reference being cited). Excerpts extracted from the DEIR/S are presented only as examples of the relevancy of the specific issue or issues being raised by the City and should not be interpreted as constituting the only citation within the environmental review record where that issue or those issues have potential applicability. Document citations presented herein are for the sole convenience of the Department. The City's unintended misidentification of a page reference or citation, the City's

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failure to accredit a source document to all of its co-authors, or the likely presence of typographical and/or other unintended errors herein should not serve as an excuse by the Lead Agency not to fully respond to the issues and concerns being expressed.

In the preparation of these comments, the City has sought to use typical writing conventions (e.g., utilization and application of parenthesis/bracketing and underlining to reflect emphasis or call attention to an item). Use or application of those writing conventions, as well as the use of headings, capitalization, and punctuation herein, are presented to facilitate communication and are provided for convenience purposes only and should not be construed as limiting the nature or broader relevancy of the City's comments. Similarly, the organization of these comments should neither serve as an artificial constraint to the Lead Agency's obligations under CEQA and NEPA nor should they serve to limit the nature of the Lead Agency's responses thereto.

The DEIR/S is a voluminous undertaking and a lot of effort was expended in its preparation. Hours expended and volume and weight should not, however, be confused with substance. Unsupported statements and unsubstantiated conclusions should not be confused with substantial evidence (14 CCR 15384[d]) or with objective and good-faith efforts at full disclosure (Residents Ad Hoc Stadium Commission v. Board of Trustees). Independent of the merits or lack of merits of the proposed action, because the DEIR/S does not presently satisfy the requirements of CEQA/State CEQA Guidelines and NEPA/CEQ Regulations, the Lead Agency's existing environmental documentation fails to provide an adequate basis for informed governmental action and public participation. In its decision to submit comments on the DEIR/S, it has been the City's intent to support and assist the Lead Agency in its efforts to faithfully fulfill its environmental compliance obligations, including ensuring "that decisions be informed and balanced" (14 CCR 15003[j]).

1.2 Introduction to the Proposed Action

As indicated in the DEIR/S, "[t]he proposed project is a 'Major Project' as defined by the Federal Highway Administration (FHWA) because it would cost in excess of \$500 million" (emphasis added) (p. 2-50). As further indicated in the "Air Quality Report - San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties" (Caltrans, May 2011) (AQR), included in the DEIR/S, the project is "a Project of Air Quality Concern" and "is considered regionally significant" (emphasis added) (pp. 1 and 61). In addition, the proposed action constitutes a "significant operational change," as defined in the OCTA's "Orange County High Occupancy Vehicle (HOV) Operations Policy Study" (August 1, 2002) (emphasis added) (p. 66).

As evidence, in part, by the Department's and OCTA's own categorization of the proposed action as a MAJOR PROJECT, a PROJECT OF AIR QUALITY CONCERN, REGIONALLY SIGNIFICANT, and a SIGNIFICANT OPERATIONAL CHANGE, it is readily apparent that the proposed action has serious and significant implications not only with regards to the affected right-of-way (ROW) but in the larger context of the larger southern California region. Actions that are taken by Caltrans and the OCTA concerning the I-405 Freeway will have lasting and long-term consequences and will, directly and/or indirectly, affect both the face of travel and travel choices on a regional scale well into the future. As a result, it is necessary to shine a bright light on the proposed action (including the planning and environmental review process and the range of options under consideration) to ensure that the choices made today benefit the region long and not merely perpetuate the continuation of old and outdated habits.

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As an introduction to the proposed action, the project "abstract" states that "[t]he Interstate 405 (I-405) Improvement Project proposes to widen the corridor by adding: [1] one general purpose (GP) lane in each direction between Euclid Street and Interstate 605 (I-605) [Alternative 1]; or [2] two GP lanes in each direction between Brookhurst/Euclid Street and I-605 [Alternative 2]; or [3] one GP lane between Euclid Street and I-605 and one tolled Express Lane in each direction between State Route 73 (SR-73) and State Route 22 (SR-22) east of I-405 to be managed jointly as a tolled Express Facility with two lanes in each direction between SR-73 and I-605. The tolled Express Facility would operate so that HOV2s would be tolled and HOV3+ would either be free or receive a discount [Alternative 3]. The proposed action would improve the freeway mainline and interchanges on I-405 in Orange and Los Angeles counties for approximately 16 miles between 0.2-mile south of Bristol Street and 1.4 miles north of I-605, as well as portions of SR-22, SR-73, and I-605 to reduce congestion and improve lane continuity through the corridor" (emphasis added) (DEIR/S, Title Page). The "corridor" is alternatively referred to as comprising a length of "14-miles" (p. 2-20) and/or "15-miles" (AQR, p. 51).

Although serving to describe, at least in part, the physical components of the proposed action, by depicting the project merely in terms of "brick and mortar," the totality of the action's substance (and consequently its environmental effects) are ignored or "swept under the rug." Since CEQA is intended to address "the whole of the action" (14 CCR 15378), the proposed action is inclusive of not only the increase in total lane-miles to be constructed but also the actions that the project produces and the precedence that the project establishes.

It is immediately evident that the magnitude of the proposed action makes it unique and demanding serious consideration. As indicated in the State CEQA Guidelines: "The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence" (14 CCR 15143). Unlike a store with a limited clientele, Caltrans' customers are everyone who drives a motor-operated vehicle in California (e.g., private motorists, freight haulers, commercial vehicle drivers, public transit operators, school and tour buses, emergency responders, motorcyclists, maintenance vehicles, national and civil defense vehicles), including those people and businesses who are dependent upon them.

As indicated in Caltrans' "California Interregional State Highways - Major Planning Considerations, Trends, and Implications" (January 2010): "The designated Interstate system is the backbone of the state's transportation network for interregional, interstate, and international goods movements, access to airports, air cargo terminals, and other major gateways in the urbanized area. The Interstate system is the only 'completed freeway system' in California in terms of continuous high facility standards. The Interstate system is less than 18 percent of all state highway miles, however, it carries over half of all VMT [vehicle miles traveled] annually (over 80 billion VMT) and half of all VMT in the urbanized and metropolitan areas. The State's large metropolitan centers in Southern California and the Bay Area in Northern California rely heavily on the Interstate system for interregional and regional mobility" (pp. 1-2). Within southern California, the I-405 Freeway is a critical component of the State's transportation infrastructure, part of the region's backbone system, and a "bypass route" to other north-south conduits linking Los Angeles, San Diego, and Orange Counties.

Not many projects have the potential to produce a fundamental shift in (driver's) behavior. However, in the case of the proposed action, the Lead Agency is actively seeking to alter a well-established, widely-accepted, and environmentally-based principal that has served as the foundation for State and federal transportation planning dating back to the 1980s.

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For over 30 years, high-occupancy vehicle (HOV) facilities have been a part of urban transportation planning. By restricting certain highway lanes to exclusive use by multi-occupant vehicles (MOVs), HOV projects have served to improve the people-moving capacity of travel corridors and encouraged drivers to (at least on occasion) abandon their single-occupant vehicles (SOVs) and join carpools, vanpools, or use transit buses, resulting in substantial reductions in total VMT, consumption of petroleum products, and mobile source air emissions. The construction of HOV lanes was based both on sound traffic engineering (e.g., increasing the average number of persons per vehicle, preserving the people-moving capacity of travel corridors, and enhancing mobility options) and government-sponsored social engineering (e.g., HOV lanes do not force drivers to make changes but rather encourages them to do so).

In "HOV Facility Development: A Review of National Trends, Paper No. 02-3622" (Fuhs, C. and J. Oberberger, undated), the authors note: "Based on thirty years of experience from across the country, HOV lanes are a proven, viable, and effective alternative to mitigate the impacts of traffic congestion in urban and suburban areas. As a part of an overall approach to address travel demand and mitigate the impacts of congestion in a region, HOV lanes have the potential to move more people in fewer vehicles, improve the person moving capability and reliability, and efficiently utilize the available roadway infrastructure and transit fleet" (p. 1).

HOV lanes are a proven, viable, and effective alternative to mitigate the impacts of traffic congestion in urban and suburban areas. As a part of an overall approach to address travel demand and mitigate the impacts of congestion in a region, HOV lanes have the potential to move more people in fewer vehicles, improve the person moving capability and reliability, and efficiently utilize the available roadway infrastructure and transit fleet. As reported in the Los Angeles County Metropolitan Transportation Authority's (LACMTA or Metro) "HOV Performance Program Evaluation Report" (November 22, 2002):

The mere presence of the carpool lanes was a critical factor in many commuters decision to participate in a carpool or vanpool in order to realize the time savings. Almost 8 out of 10 peak-period carpool lane users (79%) say the presence of the lanes play an important role in their decision to carpool. For carpool lane transit service users, the response is even more overwhelming. Almost all the riders (95%) say the fact that the bus is using the carpool lanes is important in their decision to ride the bus. Over one half of those identified as carpool lane users previously drove alone in the general purpose lanes on the same freeway prior to using the carpool lane. On freeways without carpool lanes, 29% of peak-period drive-alone commuters say they would start to carpool if the lanes were added to their freeway, effectively removing vehicles from the freeway. The introduction of carpool lanes to a freeway has been effective at getting people to start to carpool. Los Angeles County commuters are willing to change their ways to use the carpool lanes, when the lanes are provided (p. 47).

For SOV commuters on freeways without carpool lanes, almost 30% indicate that they would use carpool lanes if lanes were made available on their freeway. For general-purpose lane users on freeways with HOV lanes, two-thirds indicated that they could be influenced to carpool with some kind of inducement. One-quarter of these respondents indicated that some sort of employer incentive would be enticement to carpool, vanpool, or ride transit, while an additional 22% advised that an easy way to start or join a carpool or vanpool, like the availability of a rideshare program, would be sufficient inducement (p. 82).

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The HOV lane of the I-405 Freeway does not suffer from the "empty lane syndrome" (e.g., motorists traveling along adjacent congested general-purpose lanes perceive the HOV lane to be underutilized) or lack of utilization. It appears that the opposite is the case. There are times when the level of service (LOS) on the HOV lane (e.g., LOS "F") matches that on the GP lanes, suggesting the need for an additional HOV lane.

The Department mischaracterizes the project by stating that "the project is not a precedent-setting action and would not affect resources of concern" (p. 3.1.2-9). At least with regards to Alternative 3, the proposed action is the linchpin of a much broader regional strategy designed to: (1) convert the southern California existing highway system (not just newly constructed toll roads) from "free" ways into "toll" ways, thus creating a new social order of "those with transponders" and "those without"; (2) privatize components of the existing public transportation system, emphasizing the optimization of return-on-investment over the maximization of public benefit; and (3) change traditional design-then-build construction practices involving separate entities without possible economic entanglements into "design-build" contracts potentially favoring the profitability of a single entity (or group of investors) over public safety and convenience. Once the step is taken, there is no turning back.

The Lead Agency seeks to induce a major change (paradigm shift) in driving habits that would: (1) have ramifications and reverberations extending substantially beyond the edge of the I-405 Freeway right-of-way and which would negate the benefits that have predicated HOV development (e.g., reduction in VMT); and (2) prove irreparable because conversion back to pre-project conditions would meet with substantial resistance by well-heeled HOT-lane users. As proposed, the concept of dedicating HOV lanes to use first MOVs and public transit vehicles and subsequently to low-emission vehicles (LEMs) would be replaced by a "pay to play" concept that allocates an unlimited percentage of lane capacity to SOVs willing to pay a specified toll rate (e.g., "The volume of traffic in the Express Lanes would be actively managed to maintain high-speed operations with maximum hourly volumes of 3,400 [vehicles/hour]" Traffic Study, p. 3.1.6-95). Being pushed out of the HOV lanes are the MOVs and LEMs and being forfeited are the environmental and societal benefits attributable to use of HOV lanes by carpools, vanpools, and public transit vehicles.

As indicated in the "Orange County High Occupancy Vehicle (HOV) Operations Policy Study":

According to the transportation planning requirements noted in 23 C.F.R. 450.320(c), in Transportation Management Areas (TMAs), the planning process must include the development of a CMS [Congestion Management System] that provides for the effective management of new and existing transportation facilities through the use of travel demand reduction, travel management, traffic operational strategies, and meets the requirements of 23 C.F.R. part 500. 23 C.F.R. 500.109 defines an effective CMS as a systematic process for managing congestion that provides information on transportation system performance, and on alternative strategies for alleviating congestion, to enhance the mobility of persons and goods to levels that meet State and local needs. The CMS encourages the consideration and implementation of strategies that provide the most efficient and effective use of existing and future transportation facilities. Consideration needs to be given to strategies that reduce SOV travel and improve existing transportation system efficiency (emphasis added) (p. 72).

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Although it is OCTA's policy to "reduce SOV travel," to the detriment of carpool formulation and retention and public transit ridership, the proposed action serves to promote travel by SOVs and, therefore, would appear to violate existing OCTA policies. In addition, as indicated in the OCTA's "Orange County High Occupancy Vehicle (HOV) Operations Policy Study," the proposed action "has the potential to adversely affect the area's flow of traffic, roadway and traveler safety, and the environment" (p. 72). As further indicated therein, "FHWA must be consulted if a proposed significant operational change can be reasonably expected to affect a specific HOV lane or portions of the regional HOV system, which were funded or approved by FHWA. This includes portions of the local, region, or Federal-aid Highway system, where operational changes to those facilities may also adversely affect the operation of one HOV lane, or portions of the regional HOV system" (p. 66). Notwithstanding any attempt to do so in the DEIR/S, the proposed action cannot be examined in the context of a single freeway segment but must be assessed in a broader regional context than now explored by the Lead Agency.

Notwithstanding the project's connection with Measures M/M2, the Lead Agency's singular focus on constructing new lane-miles has limited public discussion and corresponding environmental analysis of a substantially broader range of options that could be implemented to accomplish the proposed action's declared P&N (assuming that the P&N is appropriately identified and not alternative restricting). In the Department's blind pursuit of only one travel mode and one course of action (although minor variations relating to the quantity and placement of new pavement have been identified), despite the OCTA's willingness to spend an estimated \$5.8 billion dollars in public funds in advancing a specific development proposal, a broader view of traffic and transportation are never introduced.

As outlined in the OCTA's "Destination 2035 – Moving Toward a Green Tomorrow" (2010) (2010 LRTP), by 2035, "about 50 percent of Orange County's freeways and about 20 percent of Orange County's roadways will operate under congested conditions during peak hours. Average peak period freeway speeds are expected to be close to 30 miles per hour (mph) in the mixed-flow lanes and about 35 mph in the HOV lanes. Average roadway speeds are expected to be about 13 mph during peak hours" (p. 36). As such, the problems that the proposed action purports to address are substantially greater than a short segment of a specific freeway. Where in the DEIR/S is that discussion?

How do you "reduce" something that is never first defined (e.g., "reduce congestion")? Absent from the DEIR/S is any effort by the Lead Agency to define "congestion." Congestion is far from a simple concept and its historic context, contributory components, universally accepted benchmark, and relevancy to transportation not universally understood. Absent that definition, how do you know if you have succeeded?

Because "whatever gets measured gets managed," the Department's fundamental folly is the selection of the wrong yardsticks (i.e., vehicle throughput and relative speed) both with regards to its definition and measurement of "congestion" and in its formulation and evaluation of project alternatives. Since neither vehicle throughput nor relative speed were identified as key variables in Measures M/M2, premising the entire project on those single variables creates no direct or indirect linkage between the proposed action and Measures M/M2. Sound transportation planning should be about moving people and goods, not about counting automobiles and trucks passing arbitrarily established fixed points that bear little relevancy to the lives of motorists (e.g., few individuals start and end their daily travels at the two assigned end points or limit their driving to the Lead Agency's designated "corridor"). The Lead Agency's selection of performance indices lacks reasonable connectivity with the project's declared P&N.

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As described in the "Traffic Study – San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties" (Caltrans and Albert Grover & Associates, May 2011) (Traffic Study), as included in the DEIR/S, "[t]hroughput is the general purpose flow rate multiplied by the number of lanes, plus the specialty lanes (HOV or express lanes) flow. The peak hour throughput is the number of vehicles able to pass a fixed point along the corridor during the hour of greatest demand" and is measured as "the number of vehicles able to pass a fixed point along the project route" (pp. ES-3 and 4-2). That definition, however, neither serves as an accurate measure of the number of individuals or the amount of freight that can be moved from Point A to Point B within a designated time period nor constitutes the sole indices for the assessment of "best use." By maintaining a myopic focus on vehicle throughput, the Lead Agency ignores the function of the automobiles and truck traffic traveling along the freeway, namely the efficient and effective movement of people and goods.

1.3 Understanding California Department of Transportation's and the Orange County Transportation Authority's Respective Roles

1.3.1 Orange County Transportation Authority

The DEIR/S notes that "[t]he proposed project is a joint project" undertaken by Caltrans and the FHWA (p. 4-1), a division of the United States Department of Transportation (DOT or USDOT). As represented, it is not a joint undertaking of Caltrans and the OCTA. The OCTA is identified in the DEIR/S as the "project sponsor" (p. 1-1) or "sponsor agency" (p. 5-5) for the action described therein. Under NEPA, the term "project sponsor" means the agency or other entity seeking "approval of the Secretary [of Transportation] for a project" (23 U.S.C. 139[a][3][B][7]) and the agency or entity, including any private or public-private entity, seeking "an Administration action" (23 C.F.R. 771.107[f]). Conversely, the term "sponsor" has no meaning in CEQA parlance.

Under NEPA, the term "applicant" means "[a]ny State, local, or federally-recognized Indian tribal governmental unit that requests funding approval or other action by the Administration and that the Administration works with to conduct environmental studies and prepare environmental review documents. When another Federal agency, or the Administration itself, is implementing the action, then the lead agencies (as defined in this regulation) may assume the responsibilities of the applicant in this part. If there is no applicant, then the Federal lead agency will assume the responsibilities of the applicant in this part" (23 C.F.R. 771.107[f]). Based on those definitions, the OCTA may be categorized as both "project sponsor" and "applicant."

With regard to OCTA's "responsibilities," the DEIR/S states that OCTA will "[p]rovide funds, resources, and leadership attention needed to complete EIR/EIS; provide comments on purpose and need, range of alternatives, and Draft/Final EIR/EIS" (Table 5-2, p. 5-5). However, nowhere in any documentation has the City found any declaration that the OCTA is serving either as "lead agency" or as "joint lead agency" for the purpose of environmental compliance (see 23 U.S.C. 139[a][3][B][4], 23 U.S.C. 139[c][2]-[3], and 14 CCR 15367).

Although no subsequent reference could be found in the DEIR/S, the "Notice of Preparation" (NOP), dated August 26, 2009, states that the OCTA is a "responsible agency and participating agency under CEQA and is also the funding agency" (p. 1). Because no similar reference can be found in the DEIR/S, the Lead Agency should clarify whether OCTA remains a "responsible agency" under CEQA and, if so, what its obligations are thereunder.

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The DEIR/S includes the OCTA among the list of agencies with "probable permit requirements and approvals," specifically identifying the need for "Maintenance, Operations, and Law Enforcement Agreements (Alternative 3 Only)" (Table 2-2, p. 2-52). The DEIR/S does not, however, indicate whether those "agreements" constitute discretionary or ministerial actions under CEQA or whether any other discretionary actions will be required from the OCTA. As defined in the State CEQA Guidelines, "[m]inisterial describes a government decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out? (14 CCR 15369). "Ministerial projects" are statutorily exempt from CEQA (14 CCR 15268).

Absent discretionary authority over the proposed action, the role and responsibility of the OCTA with regards to both the project's CEQA and NEPA documentation and ability to dictate the nature of physical improvements to the federal highway system is unclear and requires further clarification. As purported in Table 2-2 (Probable Permit Requirements and Approval) in the DEIR/S, the only action required from the OCTA relates to "Alternative 3 only" (p. 2-52). If there are no discretionary "requirements or approvals" (p. 2-52) from the OCTA for Alternatives 1 and 2, then OCTA: (1) cannot be a "responsible agency" under CEQA; and/or (2) knew before the issuance of the NOP that the "preferred project" was going to be "Alternative 3 only." Any subterfuge to the contrary, either in the DEIR/S or elsewhere, is intended solely to confuse an unsuspecting public and falsely suggest that the process has more transparency than truly deserved. It, therefore, appears disingenuous for the OCTA to assert that "we are proud of our long-time reputation of accountability, openness and transparency" (A Message from CEO Will Kempton, <http://www.octa.net/righttoknow.aspx>).

As indicated in the DEIR/S: "The entire length of I-405 is part of the National Highway System, the Department of Defense Priority Network, the Interstate Highway System, and the Strategic Highway Corridor Network. The 1990 Federal Surface Transportation Assistance Act (STAA) identifies I-405 as a "National Network" route for STAA trucks. Strategically, I-405 is a transportation link for national defense and transportation security, providing direct and indirect access to major military installations in the west, including Los Angeles Air Force Base to the north, and NAVWPNSTA [Naval Weapons Station] Seal Beach, Air Force Reserve Center Los Alamitos, and Camp Pendleton to the south" (p. 1-20). In addition, the I-405 Freeway is component of the "California Freeway and Expressway System" (F&E System) and part of the "State Highway System" (SHS). Caltrans has the statutory responsibility for operations, maintenance, design, construction, and long-range planning of the SHS and the State agency responsible for establishing standards and policies to maintain the system and administer the State Highway Operations and Protection Program (SHOPP) for the rehabilitation and operational improvements of the system (Source: Caltrans, California Interregional State Highways – Major Planning Considerations, Trends, and Implications, January 2010, p. 1).

As indicated in the OCTA's "2011 Orange County Congestion Management Program" (undated): "Caltrans is responsible for monitoring freeway performance and addressing any deficiencies on State operated facilities. Caltrans' responsibilities include, but are not limited to: (A) Evaluating current conditions and identifying deficiencies. (B) Developing plans and strategies to address deficiencies. (C) Evaluating development projects of local and regional significance to determine whether they will impact the State transportation system and, if so, working with lead agencies to develop potential mitigation measures" (emphasis added) (p. 5).

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With regards to describing its own role under CEQA and NEPA, the Department states that its role is to only "provide comments on purpose and need, range of alternatives, and Draft/Final EIR/EIS" (emphasis added) (Table 5-2, p. 5-5). Under both CEQA and NEPA, the role of the "lead agency" extends substantially beyond "providing comments" to a "project sponsor" and "applicant" possessing, for the purpose of the proposed action, no discretionary authority.

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Referencing the DEIR/S: "The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project has been or is being carried out by the Department under its assumption of responsibility pursuant to 23 United States Code (U.S.C.) 327" (p. 1-1). Pursuant to Section 327(a)(2) therein, "[s]ubject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to one or more highway projects within the State under the National Environmental Policy Act of 1966." As specified under Section 327(e), A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of the Secretary, the responsibilities assumed under subsection (a)(2), until the program is terminated" (emphasis added). In accordance therewith, the Department cannot delegate to the OCTA its obligations under NEPA. Although the OCTA may be providing all or a portion of the funding for the proposed action, it is unclear how or why Caltrans is delegating its planning and environmental compliance responsibilities over the I-405 Freeway to a non-State agency (particularly an agency with a potential vested interest in a pre-determined outcome).

At a community meeting conducted by the City on June 26, 2012 at the Seal Beach Community Center (3333 St. Cloud, Seal Beach), which was graciously attended by Niall Barrett, OCTA's Project Manager and William Kempton, OCTA's Chief Executive Officer (CEO), Mr. Barrett informed the audience (which included representatives of the Seal Beach City Council and City staff) that: (1) the close of the comment period on the DEIR/S has been extended until July 17, 2012; and (2) the OCTA Board of Directors would be selecting a "preferred" alternative on August 13, 2012. Mr. Kempton stated that the "OCTA is the decision-making body" for the proposed project.

As the project's "decision-making body," the City is concerned that the Department's failure to identify the OCTA as either the "lead agency" or as "co-lead agency" is merely a veiled attempt to circumvent or otherwise bypass the OCTA's obligations under CEQA including, but not limited to, the OCTA's consideration of written comments received on the DEIR/S (14 CCR 15092) and the OCTA's adoption of requisite findings (14 CCR 15091 and 15092) and statement of overriding considerations (14 CCR 15093). As stipulated under the State CEQA Guidelines: "(b) If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole" and "(c) Where more than one public agency equally meet the criteria in subsection (b), the agency which will act first on the project in question shall be the lead agency" (14 CCR 15051[b]-[c]). Because the OCTA has indicated a desire to pursue both a "design-build" contract and to convey control of the operation of a substantial portion of the proposed project to a private concessionaire, it is likely that the design, construction, and operation of the project, or a substantial portion thereof, will be performed by a non-governmental entity under the supervision of the OCTA (not Caltrans).

Although a non-governmental "project sponsor" and/or "applicant," lacking any discretionary authority over a proposed action, may not have obligations under CEQA, if that same sponsor

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and/or applicant is also a "responsible agency" (14 CCR 15381), it "complies with CEQA by considering the EIR or negative declaration prepared by the lead agency" (14 CCR 15096[a]). Based on the anticipated nature and extent of comments likely to be received by the Lead Agency on the DEIR/S, it is improbable that all comments received by the Lead Agency within the comment period and addressing the adequacy of the DEIR/S can be digested and formal responses formulated by the Lead Agency and those responses independently considered by OCTA's Board of Directors by August 13, 2012.

As specified under Section 21006 of CEQA, "[t]he legislature finds and declares that this division is an integral part of any public agency's decisionmaking process." Since the OCTA's Board of Directors will not have sufficient opportunity to review the totality of comments received in response to the dissemination of the DEIR/S, the Lead Agency's detailed written responses thereto, and any subsequent comments that may be submitted by commenting public agencies following their authorized review of the Lead Agency's draft reply (Section 21062.5(a), CEQA), the Board of Directors will not be fully informed and will not possess the information required under applicable statutes and regulations. As a result, any actions taken by OCTA's Board of Directors prior to the Lead Agency's certification of the EIR and the Board of Directors consideration thereof would appear to be in violation of CEQA.

1.3.2 Project Development Team

In the preparation of these comments, the terms "Lead Agency" and "Caltrans" or "Department" have been used interchangeably and with clear and intended distinction from "OCTA"; however, based on a presentation by Niall Barrett, OCTA's Project Manager at the Seal Beach Community Center on June 26, 2012, any distinction is now blurred. When asked about the identity of the project's decision-making body, Mr. Barrett repeatedly stated that future decision's regarding the project (including the choice among alternatives) will be made by a "Project Development Team" consisting of both representatives of Caltrans (purported to be the CEQA/NEPA "Lead Agency") and OCTA (identified in the DEIR/S as the "project sponsor").

Only minimal reference to the "Project Development Team" (PDT) is presented in the DEIR/S (e.g., "The potential effectiveness of each alternative to achieve the project purpose and address the project need was based on extensive deliberation by the Project Development Team (PDT)," p. 2-1; "To the extent that it is applicable or feasible for the project and through coordination with the project development team, the following measures will also be included in the project to reduce the GHG emissions and potential climate change impacts from the proposed project," p. 4-59). Specifically, no reference to the PDT (either as an entity or a non-entity) is presented in Table S-4 (Probable Permit Requirements and Approvals) (p. S-41 thru 43) or Table 2-2 (Probable Permit Requirements and Approvals) (p. 2-50 thru 53). With regards to those two tables (purporting to list all requisite discretionary actions), no agency is identified as the decision-making body for the certification of the CEQA document and adoption of the NEPA document.

The DEIR/S notes that "[a]fter the public circulation period for the Draft EIR/EIS, all comments will be considered, and the Project Development Team (PDT) will select a preferred alternative and make the final determination of the project's effect on the environment" (emphasis added) (p. 2-27). CEQA states that the "[d]ecision-making body" means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue" (14 CCR 15356). The PDT does not appear to be comprised of elected representatives, constitute a public entity, or be accountable to any particular constituency.

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In *Kleist v. City of Glendale* (1976), the court stated that "Section 15050 of the State Guidelines requires each public agency subject to the CEQA to adopt its own procedures for the identification of projects which have a possible effect upon the environment, for the conduct of initial studies, for consultation with other public agencies and obtaining comments from them and from members of the public, for evaluation and response to comment, assignment of responsibility for specific functions to specific units of the public agency, and for preparation of EIR's. Section 15050 requires further that the agency's procedures contain '(p)rovisions for the review and consideration of environmental documents by the person or decision-making body who will approve or disapprove a project,' and '(p)rovisions for filing documents required or authorized by CEQA and (the state) guidelines'" [Citation].

Absent from the DEIR/S is any evidence that the PDT has been formally established by legislative action, comprised of representatives of "a public agency, delegated any formal and official powers or authority, and/or 'adopt[ed] its own procedures'" (pursuant to *Kleist v. City of Glendale*). Similarly, there exists no reference to any established organization procedures, such as meeting noticing obligations, public disclosure requirements, opportunities for public participation, avoidance of conflicts of interest, voting procedures, and to who PDT actions would be appealable (see Section 21151[c], CEQA and Section 15060[b], State CEQA Guidelines).

As indicated in the DEIR/S "Agency consultation and public participation for this project has been accomplished through a variety of formal and informal methods, including Project Development Team (PDT) meetings" (p. 5-1). Where each of the PDT meetings publicly noticed, in what manner did that noticing take place, and to whom were any direct mailings of that notice disseminated? Are transcripts of those meetings available?

The composition of the PDT is not even disclosed in the DEIR/S. When OCTA's representative was asked for the names and contact information for the individuals comprising the PDT so that the affected public might provide input in order to assist in the decision-making process, the representative was evasive and the public was directed to file a "Public Records Act" request if they sought the names of the PDT. Since the composition of the PDT, therefore, remains a mystery, the City asks for full disclosure.

In *Kleist v. City of Glendale*, the court found that "the Glendale City Council was required itself to review and consider the EIR and could not delegate that function to some other agency of city government." It is likely that the court's ruling would equally apply to the assignment of similar responsibilities to the PDT.

1.3.3 California Department of Transportation

As indicated by Niall Barrett, OCTA's Project Manager at the Seal Beach Community Center on June 26, 2012, the OCTA Board of Directors would be selecting a "preferred" alternative on August 13, 2012. Although not using the word "rubberstamp" and only paraphrasing Mr. Barrett's comments, the OCTA's representative stated that "since we're the project sponsor and will be paying for it, Caltrans won't make a decision other than the one selected by the project sponsor." William Kempton, OCTA's CEO (who was also in attendance at that meeting) make no attempt to clarify or refute his staff's public position. While acknowledging that one agency's representative cannot commit the actions of another governmental entity, the statement clearly suggests that Caltrans' has or will likely fail to fulfill its independent obligations under CEQA and NEPA.

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Absent from the DEIR/S is any evidence that Caltrans is anything other than a "rubberstamp" and that the process is not being unduly manipulated by the OCTA. As evidenced by anything other than tacit involvement in the CEQA and NEPA process, available evidence suggests that the State's transportation planning agency has failed not only in its leadership but also in its lack of vision and forward planning and in its obligation to defend and uphold its CEQA/NEPA requirements.

Under CEQA, "[t]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response" (14 CCR 15088[a]). In its handout at the June 26, 2012 community meeting, OCTA indicated that "e-mail comments" should be sent to "405.dedcomments.parsons@parsons.com." In contravention of CEQA, because Parsons is operating under contract to the OCTA and not Caltrans, the "project sponsor" (rather than the Lead Agency) appears to be tasked with the assemblage of comments on the DEIR/S and the preparation of written responses thereto.

As stipulated under Section 15003 of the State CEQA Guidelines: (1) "The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected"; (2) "The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its actions"; and (3) "The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree" (emphasis added).

1.4 Stipulating the City of Seal Beach's Role

1.4.1 California Environmental Quality Act

The DEIR/S states that a "freeway agreement" will be required from the City (Table 2-2, p. 2-53). In addition, implementation of the proposed action appears to necessitate the need for additional real property within the City (differentiating between "Existing RAW" and "Proposed RAW," Appendix K, Sheets U-24 and 2-25), the relocation of the existing soundwall along Almond Avenue (e.g., "Numerous soundwalls within the corridor would be replaced to accommodate the widened paving," p. 3.1.7-31), and the relocation of the existing overhead utility lines in proximity to that soundwall. In addition, as a result of the loss of existing pavement width, because Almond Avenue would no longer conform to the "City of Seal Beach Municipal Code" (Seal Beach Municipal Code) street width and design standards, the City may be required to amend the "City of Seal Beach General Plan" (Seal Beach General Plan) in response thereto.

The Lead Agency recognizes the need for local governments to amend their existing policy documents in response to the proposed action. In response, the following "measure" is identified in the DEIR/S: "If a build alternative is selected for implementation, OCTA shall request the County of Orange and the cities along the project corridor to amend their respective General Plans to reflect the selected build alternative and the modification of land use designations for properties that would be acquired for the project that are not currently designated for transportation uses" (Measure LU-1, p. 3.1.1-33).

In addition to its role as an affected stakeholder, while not formally acknowledged as such in the DEIR/S, based on the City's location, jurisdictional authority, obligations as a municipality, the Lead Agency's identification of the need or potential need for one or more discretionary actions

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from the City for the project's effectuation, and the City's independent determination that one or more discretionary actions would either be required or desirous, Seal Beach possesses "responsible agency" (14 CCR 15381) status under CEQA.

1.4.2 National Environmental Policy Act

In holding that a municipality's interests fall within the scope of NEPA's protections, a federal court noted that "[t]he policies underlying NEPA are extremely broad [Citation] and the environmental interests it seeks to protect are shared by all citizens. In a sense, therefore, the intended beneficiaries of NEPA are individual citizens; but the statute expressly contemplates that state and local governments are to play an important role in the effectuation of national environmental policy [Citation]. Thus, while a municipality's interest in agency compliance with NEPA in one sense derives from the interests of its citizens in avoiding the consequences of environmental damage, under California law it is the municipality which is entrusted with protection of certain of these environmental interests, by virtue of statutory duties to develop and enforce a general plan, to maintain or contract for a municipal water supply, and so on" (City of Davis v. William T. Coleman, Jr., Secretary of Transportation [1975]).

As stipulated under 23 U.S.C. 139(d): "(1) The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection. (2) Invitation - The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause." As defined under NEPA, the term "participating agency" means "[a] Federal, State, local, or federally-recognized Indian tribal governmental unit that may have an interest in the proposed project and has accepted an invitation to be a participating agency, or, in the case of a Federal agency, has not declined the invitation in accordance with 23 U.S.C. 139(d)(3)" (23 C.F.R. 771.107(j)).

The City may be required to amend the Seal Beach General Plan in response to the project's potential impacts and, because the I-405 and I-605 Freeways traverse the City's corporate boundaries, possesses special expertise and information relevant to the project and its potential environmental effects. Since numerous publicly- and privately-owned properties located within City will be directly or indirectly affected by the proposed action, the City serves as an outspoken advocate for the interests and concerns of those parties.

Pursuant to Section 6002(d) of SAFETEA-LU (23 U.S.C. 139), the City requests designation as a non-Federal "participating agency." As specified in the FHWA's and Federal Transit Administration's (FTA) "SAFETEA-LU Environmental Review Process Final Guidance" (November 15, 2006) (SAFETEA-LU Guidelines): "The roles and responsibilities of participating agencies include, but are not limited to: [1] Participating in the NEPA process starting at the earliest possible time, especially with regard to the development of the purpose and need statement, range of alternatives, methodologies, and the level of detail for the analysis of alternatives. [2] Identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. Participating agencies also may participate in the issue resolution process described later in this guidance. [3] Providing meaningful and timely input on unresolved issues. [4] Participating in the scoping process. The scoping process should be designed so that agencies whose interest in the project comes to light as a result of initial scoping activities are invited to participate and still have an opportunity for involvement."

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(Question 22) (see also 23 U.S.C. 139(h)). As further specified under the SAFETEA-LU Guidelines: "If initially an agency was unintentionally left out and now wants to participate, the agency should be extended an invitation to become a participating agency as soon as the oversight is realized. The lead agencies should request input and consider whether and how the new agency's participation in the process affects previous decisions. It may be necessary to reconsider previous decisions if it is probable that the input of the new participating agency would substantially change the decision" (Question 26).

The DEIR/S states that Seal Beach is a "participating agency" (Table 5-2, p. 5-6). If not already assigned, the City formally requests "participating agency" status under NEPA. The comments presented herein are, therefore, those of "participating agency" (potentially invited late to the scoping process). As evidenced by the nature of these comments, the City believes that the Lead Agency should reconsider a number of its previous decisions, including those associated with the range of alternatives examined in the DEIR/S and the presence of additional feasible mitigation measures formulated in response to project-related and cumulative impacts within Seal Beach, its residents, and business community.

2.0 ENVIRONMENTAL CONCERNS

As noted in the "California Transportation Plan 2025" (Caltrans, April 2006) it is the State's goal to "[r]eflect community values" and the State's strategy to "[i]ncorporate community values and support context sensitive solutions for all transportation facilities and infrastructure" (pp. 54 and 57). Seal Beach interprets those policy declarations as a willingness, on the part of Caltrans, to design and development transportation facilities that protect local communities and neighborhoods from the intrusive effects of improvement to and expansion of the State's transportation system.

Within the study area, the I-405 and I-605 Freeways traverse Seal Beach. Since lands, facilities, and a broad range of public and private uses abut those freeways, the City, its residents, and business community have the potential to be substantially impacted by any plans promulgated by Caltrans and the OCTA affecting the ROW, the use, the operation, the design, and the capacity of those freeways. Similarly, the arterial roadway system within Seal Beach, in combination with the City's local street system, can be substantially affected by changes to those State highways. As such, any proposed actions affecting roadways under Caltrans' jurisdiction cannot be viewed in isolation of their interrelated impacts upon those arterial and local streets under the jurisdiction of other agencies.

In *Concerned Citizens of Costa Mesa v. 32nd District Agricultural Association* (1986), the court emphasized the critical role of linking government decision making with public participation in the CEQA process. "CEQA compels an interactive process of assessment of environmental impacts and responsive project modifications which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process [Citation]. In short, a project must be open for public discussion and subject to agency modification during the CEQA process [Citation]. This process helps demonstrate to the public that the agency has in fact analyzed and considered the environmental implications of its action."

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2.1 Specific Environmental Concerns

As illustrated in Figure 2-1 (Sensitive Receptor Locations) in the AQR (p. 39) and Figure 3.2.6-3 in the DEIR/S (p. 3.2.6-13), numerous "sensitive receptors" are located in Seal Beach directly adjacent to or in close proximity to the I-405 Freeway, including the Seal Beach Tennis Center, Blue Bell Park, Almond Park, and the College Park East (Almond Avenue), Leisure World (Beverly Manor Road), and College Park West (Harvard Lane, Park Drive, and College Park) and residential neighborhoods. In addition to any comments that other individuals and entities elect to submit, the City seeks to represent the interests of those areas (as well as its own facilities, infrastructure, and jurisdictional interests) as they may relate to the proposed action.

These comments are predicated, in part, on the policies of the City, as reflected in the Seal Beach General Plan. As indicated in the City's recently adopted Housing Element (April 9, 2012), it is Seal Beach's goal to "[m]aintain and enhance the quality of existing residential neighborhoods" (p. V-1). It is the policy of the City to "[p]rovide compatibility of residential uses with surrounding uses through the separation of incompatible uses, construction of adequate buffers, and other land use controls" (Policy 1e, p. V-2). Implementing Program 1b (Land Use Compatibility) states: "A goal of the City is to create and maintain desirable living areas for residents by physically separating or otherwise protecting residential neighborhoods from incompatible uses. This program will be implemented through the review of proposed amendments to the General Plan and zoning regulations, and through the review of discretionary permit applications" (p. V-3).

Based on its review of the DEIR/S, the City has identified a number of environmental issues (e.g., incompatible use issues) which, in the City's judgment, have neither been adequately addressed nor effectively mitigated by the Lead Agency. Those issues are briefly outlined below and more thoroughly described throughout these comments. In addition, there exists a substantially broader array of environmental concerns (e.g., air quality) which are separately addressed in later sections of these comments.

2.1.1 Almond Avenue

Within Seal Beach, Almond Avenue is listed as a "major collector" (FC Code 5) on Caltrans' California Road System (CRS) maps (Functional Classification System Maps, Map 13V55, August 5, 2011) for Orange-Los Angeles, California.

Implementation of the proposed action will result in both the need for additional real property within the City (as can be ascertained by differentiating between "Existing ROW" and "Proposed ROW," Appendix K, Utility U-24 and 2-25), necessitate the relocation of the existing soundwall along Almond Avenue from inset from the edge to either the edge or beyond the edge of the existing ROW, and predicate the need to relocate the existing overhead utility lines located in proximity to that soundwall. It is anticipated that those actions will result in the reduction in the pavement width of Almond Avenue, producing a substandard pavement width inconsistent with the City's adopted design and development policies.

On June 26, 2012, representatives of the OCTA and the City met along Almond Avenue for the purpose of clarifying and delineating the proposed soundwall relocation. At indicated "in the field" and illustrated on a series of exhibits disseminated by the OCTA at the June 26, 2012 meeting at the Seal Beach Community Center, based on the wall section and alternative under consideration, the existing soundwall will be moved northward either seven, eight, or ten feet.

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That action would result in a diminishment of the existing pavement width (reducing pavement width to approximately 30.5 feet east of and 32.0 feet west of Almond Park assuming a 4-foot separation between the base of the new soundwall and the southern edge of curb) and necessitating the elimination of on-street parking on at least one side of Almond Avenue

The potential impacts of these actions upon the City and its residents (including College Park West) have not been examined in the DEIR/S or in any of the technical studies associated therewith, including, but not limited to: (1) "Traffic Study - San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties" (Caltrans, May 2011) (Traffic Study); (2) "Community Impact Assessment - San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties" (Caltrans, August 2011) (CIA); (3) "Ramp Closure Study" (Caltrans, June 2011) (RCS); (4) "Draft Relocation Impact Memorandum - San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties" (Caltrans, February 2011) (RIM); (5) "Draft Transportation Management Plan for Interstate 405 Improvement Project" (Caltrans, August 2011) (TMP); or (6) "Visual Impact Assessment - San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties" (Caltrans and Parsons, May 2011) (VIA).

As indicated in the "Final Environmental Impact Statement and Environmental Impact Report - State Route 22/West Orange County Connector, SCH No. 86064001" (OCTA/Caltrans/USDOT, March 2003) (WCC FEIR/S), prepared for the West County Connector Project (WCC), various actions were taken by Caltrans for the purpose of avoiding or minimizing environmental impacts. Those actions included, but were not limited to: (A) "The right-of-way impact at the City of Seal Beach's reservoir was avoided by tightening the curvature of the Seal Beach Boulevard off-ramp while shifting the exit nose further to the south"; and (B) "The full acquisition of six homes along Almond Avenue in the City of Seal Beach as well as the relocation of overhead power lines and reconstruction of existing soundwalls were avoided by: (1) shifting the I-405 freeway centerline toward the south; (2) tightening the curvature, and (3) shifting the southbound I-405 to eastbound SR-22 connector gore area (divergence point) further to the east. This was achieved without changing the impacts to the United States Naval Weapons Station (USNWS) utility easement or facility on the south side of I-405" (p. 2-28).

With regards to the WCC, in Seal Beach, Caltrans acknowledged and took great efforts to avoid project-related impacts along Almond Avenue, including avoidance of take of real property and retention of both the existing soundwall and existing overhead utilities. The City is appreciative of those impact avoidance efforts and would hope that similar efforts could be taken with regards to the proposed action.

The Lead Agency, nonetheless, misrepresents the existing soundwall located in proximity to Almond Avenue, suggesting that it was recently rebuilt and now includes decorative features (e.g., "The portion of SR-22 East within this unit was recently rebuilt as part of another project, and additional aesthetic elements were added to the soundwalls, along with the inclusion of vine plantings along the walls, p. 3.1.7-16). A segment of the existing soundwall, adjacent to Almond Avenue, is illustrated in "Typical View 57" in Figure 3.1.7-8 (Open Space-Residential Landscape Unit, Typical Views) in the DEIR/S (p. 3.1.7-21). It is noted that no discussion or analysis of the proposed changes to "Typical View 57" is, however, presented in the DEIR/S.

Now, in what appears to be either a case of short-term memory or application of a conflicting (double) environmental standard, as a result of the proposed action, Caltrans now fails to acknowledge the criticality of those same impacts and proposes to: (1) take public lands within

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the City along Almond Avenue; (2) encroach onto the existing Almond Avenue ROW; (3) remove and relocate the existing soundwall to the north; and (4) relocate the existing overhead utilities to an unspecified location (potentially to the north side of Almond Street and adjacent to existing single-family homes in the College Park East neighborhood), potentially creating unspecified but significant fiscal and environmental cost to the City and to the affected property owners.

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Almond Avenue is identified as a "Principal" street in the Seal Beach General Plan (Figure 15-City of Seal Beach General Plan Circulation Element) and functions as a "residential collector street" serving the College Park East neighborhood. Within the College Park East area, Almond Avenue is also designated as a Class III bicycle route, such that motorists and bicyclists share the existing roadway. With the proposed relocation of the soundwall, bicyclists and motorists will need to share a narrower roadway, placing both parties at greater risk.

Pursuant to the provisions of Section 10.40.10 (Streetscape Standards and Design) in Chapter 10.40 (Streetscape) in Title 10 (Subdivisions) of the Seal Beach Municipal Code: "Each street's design shall be based on its anticipated role within the city and within each neighborhood" (Section 10.40.10(A)(1)). As specified in Table 10.40.010.A (Street Design Standards), "residential collector streets" shall have a total ROW width of 60 feet, a curb-to-curb width of between 36 and 40 feet, include two travel lanes each with a width of 10 feet, a parking lane with a width of 8 feet, and include a 12-foot wide pedestrian ROW.

Based on an independent traffic engineering analysis performed by W.G. Zimmerman Engineering, Inc. (WGZE), operating under contract to the City, a City-generated alternative lane configuration in the vicinity of Almond Avenue was presented to OCTA by representatives of the City on May 15 and June 12, 2012. At neither meeting did Seal Beach receive a commitment of OCTA's support of the alternative design options presented therein.

NEPA requires that the federal agencies "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated" (40 C.F.R. 1502.14[a]). Although the range of alternatives that the agency must consider is not infinite, it does have an obligation to include all reasonable alternatives to the proposed action. As an alternative to the above-illustrated design alternative, the City would request that the Lead Agency also consider a narrower lane-width configuration in the vicinity of Almond Avenue so as not to require either the relocation of the existing soundwall or further encroachment into the College Park East neighborhood.

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In order to maintain sufficient travel lane width along Almond Avenue, the loss of existing ROW would predicate the need to eliminate on-street parking and, with the wall face overtopping or extending beyond the existing curb edge, would create an undesirable streetscape and a hazardous road condition, resulting in a violation of Section 10.40.010(D) of the City's Subdivision Ordinance (i.e., street edge design shall not compromise public safety or emergency vehicle access). The elimination of on-street parking is contrary to and in violation of Section 10.40.010(A)(3) of the City's Subdivision Ordinance. In addition, the resulting roadway would not conform to the typical street section presented in Section 10.40.010(A)(5) and Figure 10.40.010.A (Typical Street Design) therein. Any reduction in street width and/or the presence of an intrusive soundwall would increase safety hazards to both bicyclists and pedestrians traveling along Almond Avenue.

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Because Almond Avenue functions as an important "residential collector street" and provides the sole vehicular access road to a large number of existing single-family homes, the creation of substandard travel lanes is not a viable public safety and emergency access option for the City. Because Almond Avenue serves many short residential cul-de-sacs, the availability of on-street parking is critical to area residents, such that, in the City's estimation, the neighborhood cannot properly function without on-street parking being available for the area's residents and for use by service and emergency vehicles.

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Because Almond Avenue is not addressed in the DEIR/S, the statement that "[u]p to 450 parking spaces out of the current inventory of 2,243 spaces associated with 17 potentially affected properties would be lost to accommodate freeway widening and associated roadway improvements" (p. 2-31) ignores the project's anticipated consequences along Almond Avenue and fails to accurately characterize the proposed action's potential impacts.

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The Department's analysis of potential parking impacts is inconsistent throughout the DEIR/S. As indicated in the CIA, with regards to all three build alternatives, the Lead Agency states that "[u]p to 720 parking spaces out of the current inventory of 2,243 spaces from 17 potentially affected properties would be lost to accommodate freeway widening and associated roadway improvements. In addition, approximately 13 on-street parking spaces would be lost" (emphasis added) (CIA, Table S-1, p. S-5).

Although the Lead Agency states that sidewalks will be provided "on both sides of arterials within the proposed project limits (except on west side of Harbor Boulevard, west side of Euclid Street, south side of Edinger Avenue, west side of Bolsa Chica Road, and the eastside of Seal Beach Boulevard)" (DEIR/S, Table 2-1, p. 2-35), it does not appear the Department's intent is to provide a functional pedestrian sidewalk along the south side of Almond Avenue.

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As specified in Section 10.40.010(F)(1) of the City's Subdivision Ordinance: "Pedestrian convenience and safety shall be considered in the design of sidewalks in the public right-of-way. Avoid encroaching light standards, above ground utility boxes, and other impediments where pedestrians are expected to pass." The relocation of overhead utilities to the north side of the roadway would impede pedestrian travel along the only remaining sidewalk along Almond Avenue, present a potential hazard to children and other non-motorists, introduce other potential safety hazards resulting from the proximity of those lines to existing homes, create an undesirable aesthetic impact to affected residents, and could negatively impact property valuation. None of these impacts have, however, been addressed or mitigated in the DEIR/S.

Based on the conflicts and inconsistencies identified herein, the City believes that substantial evidence refutes the Lead Agency's assumption that "[t]he build alternatives' proposed improvements, overall, do not conflict with applicable land use plans, policies, or regulations, and project effects would be less than significant" (p. 4-11) and "[t]he proposed project would not substantially increase hazards due to design features" (p. 4-18). Similarly, the City does not concur that the three build "alternatives would have a beneficial effect on the surrounding communities and their adopted plans" (p. 3.1.1-32).

The Lead Agency recognizes that "[r]esidents can be expected to have a high concern and a high degree of sensitivity to changes in the visual environment with regard to the project and its effect on views from their homes and neighborhoods" (p. 3.1.7-23); however, no analysis of the proposed relocation of the existing soundwall on the College Park East neighborhood and traffic operations along Almond Avenue has been provided.

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2.1.2 College Park East

As indicated in the Seal Beach General Plan: "A 16-inch Long Beach Gas line follows the southerly right-of-way of the I-405 Freeway through its entire length in the City. Southern California Gas Company maintains a 34-inch gas line generally along Lampson Avenue, Seal Beach Boulevard, and the I-405 Freeway right-of-way" (Safety Element, pp. S-22 and S-23).

As indicated in the DEIR/S and as illustrated in Figure 3.1.5-1 (Proposed Relocation for Gas Lines Near NAVVPNSTA Seal Beach), the Department appears to be proposing (i.e., Options 2 and 3) the relocation of "two major gas lines, [including] a 14-inch high-pressure (HP) transmission and 16-inch HP distribution gas line, and a Verizon telecommunications facility located on the south side of I-405 within the Caltrans ROW" (p. 3.1.5-15) through the College Park East neighborhood. The DEIR/S notes that "[i]n 2010, the U.S. Navy granted a 20-ft utility corridor to Caltrans as a permanent highway easement to accommodate the SR-22 WCC Project Phase II with a condition that these facilities be relocated outside Caltrans ROW/easement by this I-405 project" (Ibid.). As a result, the Department has identified "three relocation options," including two that traverse the College Park East neighborhood in Seal Beach. As described in the DEIR/S:

- "Option 2: Relocate the gas lines from approximately 1,500 ft east of Seal Beach Boulevard to Bolsa Chica Road across I-405 to the north side, along Almond Avenue and Lampson Avenue. These gas lines would cross I-405 at two locations, on the Bolsa Chica Road overcrossing structure and through jacking and boring underneath I-405 east of Seal Beach Boulevard."
- "Option 3: Relocate the gas lines from Seal Beach Boulevard to Bolsa Chica Road across I-405 to the north side, along Almond Avenue and Lampson Avenue. These gas lines would cross I-405 at two locations by being carried inside the Seal Beach Boulevard and Bolsa Chica Road overcrossing structures" (emphasis added) (p. 3.1.5-15).

In what appears a contradiction, the DEIR/S also states that "[a] utility easement on the northern edge of the base for two underground gas pipelines has been discussed with the Navy. The gas pipelines are currently in Caltrans ROW and are proposed for relocation onto Navy property under each of the build alternatives. The Navy has indicated a preliminary willingness to grant the easement for this utility relocation" (p. 2-4). From the information provided by the Lead Agency, it is not possible to ascertain: (1) whether these "two underground gas pipelines" (p. 2-4) are the same as the "two major gas lines" (p. 3.1.5-15); (2) whether the Department, the operators of those pipelines, or any other party is contemplating the relocation of those lines to the north side of the I-405 Freeway (e.g., through College Park East); (3) whether the DEIR/S, once certified, is intended to serve as the environmental basis under CEQA and NEPA for that relocation. It is, however, immediately evident that insufficient analysis of those relocation plans is presently provided and that any plans to relocate potentially explosive and/or highly flammable transmission/distribution gas and/or petroleum pipeline directly adjacent to existing single-family homes would be folly.

The City cannot perceive any conditions where such actions would be acceptable nor does the City believe that a mitigation strategy could be formulated to reduce the potential environmental (e.g., health and safety) and socioeconomic impacts of relocating those lines through College Park East to a less-than-significant level. Is the Lead Agency asserting that the exemption specified under Section 21080.23 of CEQA is applicable to this pipeline relocation?

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2.1.3 College Park West

Based on a review of the DEIR/S, it is the City's understanding that no further physical intrusion into the College Park West neighborhood is now proposed. However, particularly in light of the presence of children near Edison Park, the Lead Agency should clearly indicate: (1) to what extent construction traffic associated with the proposed action may need or choose to access the Caltrans ROW via College Park Drive; (2) whether any construction staging activities are planned or proposed within that portion of the City situated to the east of the San Gabriel River, north of the SR-22 Freeway, and west of the I-405/I-605 interchange; (3) whether and how resident and non-resident safety may be impacted both during construction and once operational and, if impacted, what actions will be taken to reduce or eliminate those hazards. Does Caltrans utilize any public or private access routes into or proximal to the College Park West neighborhood other than College Park Drive?

2.1.4 Leisure World

Based on a review of the DEIR/S, it is the City's understanding that no further physical intrusion into the Leisure World neighborhood is now proposed. However, particularly in light of the presence of elderly residents, the Lead Agency should clearly indicate: (1) to what extent construction traffic associated with the proposed action may need or choose to access the Caltrans ROW via Beverly Manor Road; (2) whether any construction staging activities are planned or proposed within that portion of the City situated to the east of the San Gabriel River, south of the SR-22 Freeway, and west of Seal Beach Boulevard; (3) whether and how resident and non-resident safety may be impacted both during construction and once operational and, if impacted, what actions will be taken to reduce or eliminate those hazards. Does Caltrans utilize any public or private access routes into or proximal to the Leisure World neighborhood other than Beverly Manor Road?

2.1.5 Seal Beach General Plan

Pursuant to Section 15125(d) of the State CEQA Guidelines, "[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." Absent from the DEIR/S is an objective analysis of the proposed action's consistency with the Seal Beach General Plan. What the Lead Agency has sought to do is "cherry pick" among the policies presented therein in order to avoid a reasoned analysis of the project's consistency and/or inconsistency with the City's adopted public policy documents.

One of the four policies that the Department has highlighted states: "Provide a circulation/transportation system that enhances and minimizes response time needed for emergency vehicles" (DEIR/S, p. 3.1.1-16). As more thoroughly described herein, the "long-term closure of arterial overcrossings lasting up to 12 months" (DEIR/S, Table 2-1, p. 2-35), the absence of any evidence of direct consultation with emergency service providers, and the absence of any response-time analysis raised unanswered questions regarding project-related impacts on emergency response. Clearly absent from the DEIR/S is any evidence that the proposed action "enhances and minimizes response time," particularly during the extended construction period.

As indicated in the Seal Beach General Plan, it is the policy of the City that "Seal Beach should carefully consider the development of freeways, and/or rapid transit systems and endorse such proposals only when it is considered to be in the community's best interest. Efforts should be

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made to improve traffic circulation in the coastal section of the City and along major arterial streets, but not exclusively private auto vehicular traffic" (Land Use Element, p. LU-39). With regards to the "College Park East" neighborhood (served by Almond Avenue), it is the City's policy to "[p]rotect the existing population and character of older areas subject to rehabilitation and redevelopment" (p. LU-43). The proposed action serves to further neither land-use policy.

As further indicated in the Circulation Element, it is the objective of the City to "[e]nsure that the circulation system is in balance with the City's Land Use Element" and "[p]rovide adequate capacity for the City's circulation needs while minimizing negative impacts, including environmental impacts needing mitigation" (Circulation Element, pp. C-48 and 49). In furtherance of those objectives, City's policies include, but are not limited to: (1) "Review implementation programs that coordinate the transportation needs and requirements of the City with those of other public agencies in order to ensure that the overall circulation plan of the City is effective, efficient, and safe"; (2) "Maintain circulation system standards for roadways and intersection classifications, right-of-way width, pavement width, design speed, capacity, maximum grades, and associated features such as medians and bicycle lanes"; and (3) "Enhance street design standards to promote attractive circulation corridors" (pp. C-48 thru 50). In addition, it is Seal Beach's objective to "[p]ursue transportation management strategies that can maximize vehicle occupancy, minimize average trip length, and reduce the number of vehicle trips" (p. C-52). Supporting policies include, but are not limited to: (1) "Encourage the use of multiple-occupancy vehicle programs for shopping and other uses to reduce traffic"; (2) "Support national, state, and regional legislation directed at encouraging the use of carpools and vanpools"; and (3) "Require that proposals for major new non-residential developments that include submission of a TDM plan to the City" (p. C-53). The proposed action fails to fulfill and substantively hinders the City's attainment of those policies. 27

While also acknowledging that it is the City's policy to "[s]upport the addition of capacity and noise mitigation improvements such as high-occupancy vehicles (HOV) lanes, general purpose lanes, auxiliary lanes, and noise barriers to the I-405 Freeway" (p. C-52) and to "[e]ncourage the development, implementation, and use of new advanced technologies to optimize safe traffic flow and manage traffic congestion" (p. C-53), on balance and with regards to direct and indirect impacts upon Seal Beach, the short-term and long-term consequences of the proposed action appear to outweigh the project's possible short-range benefits.

In its own efforts to support the rejection of the No Build Alternative in favor of one of the build alternatives, the Lead Agency states that, "[w]ith the congestion along the I-405 Corridor and roadway network continues, residents and businesses that are dependent on the freeway and roadway network may find alternate options to reside and do business; thus affecting the local economy on a cumulative basis" (emphasis added) (CIA, Table S-1, p. S-6). It would appear that, unless one of the build alternatives is approved, residents of Orange County will move and businesses will relocate to other unspecified areas as a direct consequence of existing and future "congestion along the I-405 Corridor and roadway network." Absent any substantial evidence, the Lead Agency's broad generalization overly simplifies personal and business decisions relative to location selection and erroneously equates the construction of new lane-miles with habitation and business retention. Are there not other strategies available to public agencies that can be implemented to reduce congestion, improve accessibility and mobility, and promote residential and business retention or is Caltrans' asserting that it alone holds the key? 28

Alleging that the proverbial "sky is falling" (e.g., "residents and businesses that are dependent on the freeway and roadway network may find alternate options to reside and do business,"

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CIA, p. S-6: "Emergency response times may increase under the No Build Alternative due to a projected increase in future traffic volumes and a corresponding increase in traffic congestion," p. 3.1.5-11) is both disingenuous and contrary to the informed and balanced requirements of CEQA. 29

Because the Lead Agency itself acknowledges that the proposed action is not a panacea for eliminating congestion (e.g., "it is not economically feasible to provide an improvement that would complete [sic] address traffic demand and provide an overall peak hour mainline LOS better than E/F, Traffic Study, p. 2.8-1; "none of the build alternatives completely satisfy predicted future mainline freeway demand," p. 2.8-3), peak-hour and incident-related congestion will continue to exist along both the referenced freeway segment and proximal arterials under both build and no-build scenarios.

As noted in University of California, Berkeley's "Determining the Effectiveness of HOV Lanes" (May, Adolf D., Leiman, Lannon, and Billheimer, John, California Path Research Report UCB-ITS-PRR-2007-17, November 2007), with regards to the HOT lane on the SR-91 Freeway, the authors note that "in his study on the SR-91 HOT lanes in Orange County, Ed Sullivan [Sullivan, Edward, Continuation Study to Evaluate the Impacts of the SR 91 Value-Priced Express Lanes, December 2000] noted a statistically significant increase in peak period accidents on the two mile stretch of Riverside SR-91 just east of the HOT lanes immediately after the opening of the HOT lanes in December 1995. He attributed the increase to 'the increased congestion on the highway section after the (SR-91 HOT lanes) opened.' The steady increase in accident rates on both segments of Riverside SR-91 undoubtedly reflects increasing congestion levels near the Orange County line. In its Annual HOV Report for 2000, Caltrans District Eight personnel noted that: 'The completion of the toll road facility (within the SR-91 Right of Way) in Orange County has not eliminated congestion within District 8. Continued monitoring has reflected no decrease in the westbound morning nor the eastbound afternoon congestion between the I-15/SR-91 Separation and the Orange/Riverside County line. There still exists a bottleneck in traffic for the westbound traffic at the County line" (pp. 3-24 and 47). Because the SR-91 Freeway's HOT lane is routinely cited throughout the DEIR/S, any adverse impacts associated with that facility could be duplicated in Orange and Los Angeles Counties should Alternative 3 be selected.

Since adding new lane-miles is, at best, only a short-term solution, "find[ing] alternative options" for personal mobility should be perceived as a benefit. Similar, because the Lead Agency's unintended reference to the "the local economy on a cumulative basis" related to both individual household decisions concerning where to live and where to work and the regional southern California economy as a whole, both short-term and long-term environmental benefits are to be gained by governmental efforts to promote reductions in both total VMT and dependency on SOV trips. As indicated in the DEIR/S, each of the three build alternatives substantially increases VMT over the no-build scenario and, at least with regards to Alternative 3, the proposed action incentivize SOV travel and discourages the use of public transportation. 30

Quoting the "Statements of the Honorable Ray LaHood, Secretary of Transportation before the Committee on Environment and Public Works, U.S. Senate - Hearing on Clean Energy Jobs and American Power Act of 2009" (October 27, 2009), Secretary LaHood stated, in part:

Currently, American adults travel a total of 25 million miles a day in trips of a half-mile or less and nearly 60 percent of these are motor vehicle trips. DOT, HUD [United States Department of Housing and Urban Development], and EPA [United States Environmental Protection Agency] are working together to support the building of

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more livable neighborhoods with 'complete' streets that increase safety and mobility for all users by giving Americans – whether they live in urban, suburban or rural communities – the choice of walking, biking, or riding transit instead of driving motor vehicles. If the presence of these alternatives promotes less driving, then that will reduce road congestion, reduce pollutants and greenhouse gases, and use land more efficiently. . . DOT has worked to ensure that livability and sustainability objectives are given significant weight in the new discretionary spending of the Department."

To the extent that the Department's goal is to "reduce congestion" and not merely build more freeway lane-miles, then the true goal of this and other transportation investment must be on promoting liveable and sustainable development and encouraging less driving (particularly as it relates to SOVs). As outlined below, the proposed action will have the opposite affect (e.g., add to congestion and hinder the development of liveable and sustainable development).

Under NEPA, a federal court (Maryland-National Capital Park and Planning Commission v. U.S. Postal Service [1973]) reaffirmed the requirement that agencies take a "hard look" at the environmental impacts of a project and not merely rest on "bald conclusions." Similarly, under CEQA, in Santiago County Water District v. County of Orange (1981), the court stated that "[t]he EIR must contain facts and analysis, not just the bare conclusions of a public agency. An agency's opinion concerning matters within its expertise is of obvious value, but the public and decision-makers, for whom the EIR is prepared, should also have before them the basis for that opinion so as to enable them to make an independent, reasoned judgment." As noted in Endangered Habitats League, Inc. v. County of Orange (2005), the court ruled to "defer to an agency's factual findings of consistency unless no reasonable person could have reached the same conclusion on the evidence before it." With regards to interpreting the Seal Beach General Plan, the City's opinion (and not the Department's opinion) should be given substantial credence.

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The Lead Agency states that "[u]sage of the term 'significance' in this document is made pursuant to CEQA only, and the evaluation of environmental factors pursuant to CEQA significance thresholds is confined to Chapter 4 CEQA Evaluation, and Appendix A CEQA Checklist" (DEIR/S, p. 3.1.1-1). As indicated in Appendix A of the DEIR/S a project may produce a significant environmental effect if it were to "[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect" (DEIR/S, Appendix A, Question X(b), p. 7). With regards to the proposed action, the Lead Agency erroneously marks "less than significant impact" (Ibid.).

At least with regards to the Seal Beach General Plan, the DEIR/S errors in stating that "Alternative 1 is consistent with the goals, objectives, and policies of all surrounding communities' General Plans" and that "it is expected to have a beneficial effect on all surrounding communities and their respective General Plans because it improves mobility and reduces congestion (p. 3.1.1-21). The City concludes that the proposed action (inclusive of all build alternatives) is substantially inconsistent with the Seal Beach General Plan. Should a build alternative be selected, the City will need to prepare and process an amendment to the Seal Beach General Plan in order to bring that local policy document into substantial conformity.

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Table 3.1.1-1 (Consistency Analysis with Adopted Local and Regional Plans for Build Alternatives) in the DEIR/S is quite telling with regards to the manner in which both "OCTA and

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Caltrans" pursue improvement plans. In response to the City's policy to "[m]onitor and participate in applicable county, regional, state, and federal transportation plans and proposals," the Lead Agency's response is that "OCTA and Caltrans have developed an extensive outreach effort to ensure that all potentially affected jurisdictions and their residents are informed of the planning and implementation process and overall project schedule" (emphasis added) (p. 3.1.1-27). At least with regards to Seal Beach's concerns, absent is any evidence of the receptivity of those agencies to public comments and willingness to effectively response (through the formulation of new alternatives, design revisions, and mitigation measures) to those concerns.

2.2 Additional Information Requested

From the information presented in the DEIR/S, it is not possible for Seal Beach to fully understand the precise nature of the potential physical changes that may occur within the City's corporate boundaries as a result of the implementation of the three build alternatives. In order to assist the City in ascertaining the Department's current development plans, clarification is requested with regards to the following project-related components.

2.2.1 Existing and Replacement Soundwalls

Based on the City's examination of Sheets "Utility-24" (U-24) and "Utility-25" (U-25) in Appendix K of the DEIR/S, it appears that it is the Department's intent to remove and relocate the existing soundwall located in the vicinity of Almond Avenue in Seal Beach. Based on those drawings and the additional information presented therein, it further appears the Lead Agency's intent to remove and relocate one or more existing facilities located within or directly adjacent to Caltrans' ROW. To the extent that the City's interpretation of that material is correct, the following additional information is requested so that the full extent of the possible impacts of those actions can be independently determined.

How would the existing soundwall located in proximity to Almond Avenue be impacted under each of the three build alternatives? Would that soundwall be removed and relocated and, if so, relative to the existing wall's physical location, in what direction and how far would a new soundwall be constructed? If a new soundwall is contemplated, (a) what is the height of the existing wall, (b) what is the planned height of the new wall, (c) from where is wall height measured, and (d) will the new wall contain any decorative design features or landscape enhancements? Recognizing that the curb edge is not coterminous with the edge of Caltrans' ROW, under each of the build alternatives, relative to the existing curb edge along Almond Avenue, to what extent would the replacement soundwall encroach onto that existing roadway and would the pavement width along Almond Avenue be reduced? How far would the new soundwall be setback from the existing edge of curb? How would existing drainage facilities be impacted? How would existing utilities be impacted?

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The DEIR/S states that "[w]here feasible, pedestrian facilities have been included in the project" (p. 3.1.6-103). Along Almond Avenue, are any "pedestrian facilities" proposed between the replacement soundwall and the existing and/or new edge of pavement (along the south side of Almond Avenue) and, if so, (a) what would be the width of that pedestrian area and (b) would it be paved or unpaved (pervious or impervious)? Is any wall-adjacent or wall-proximal landscaping and irrigation proposed? If irrigated, would potable or reclaimed water be utilized? Would the City or Caltrans be responsible for landscape planting, irrigation, and maintenance on the north side of the soundwall?

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As illustrated in Sheets U-24 and U-25, which illustrates the area along Almond Avenue, the Department includes the following notation: "Relocate CN-4015" (Conflict Number 4015). "Utility-45" identifies CN-4015 as an existing Southern California Edison (SCE) 12-kilovolt (kV) overhead electrical line (i.e., "12 kV OH") consisting of 2,800 linear feet. As specified therein, at an estimated cost of "\$1,200,000," it is the Department's proposal to "relocate outside of conflicting area." In accordance therewith, the "physical relocation responsibility" is "construction by utility owner"; the "party responsible for relocation costs" is "100% OCTA."

What does "relocate outside of conflicting area" precisely mean? Would only SCE's existing 12-kV overhead distribution line be impacted or would other above-ground and/or below-ground utilities also (1) be potentially impacted and (2) require relocation or other modification? It is the City's policy that new and relocated utility lines be placed underground. If utility relocation is required, (1) to where would those utilities be relocated, (2) would overhead utilities be placed underground, and (3) is the City correct in assuming that OCTA would bear "100%" of the costs for that relocation and undergrounding?

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In order to inform residents and street users, for each build alternative, the City requests that the Department provide: (1) existing and proposed soundwall details; and (2) pre-project and post-project section drawings showing Caltrans' ROW (including freeway pavement, shoulder area, and landscaping), the existing and proposed configuration of Almond Avenue (including sidewalks, curb edges, pavement width and on-street parking), grade separation (including berm height) between existing and proposed freeway lanes and Almond Avenue, and soundwall height (designating the location from where height is measured).

2.2.2 Gas/Petroleum Pipeline Relocation

The DEIR/S notes that "[a] 14-inch high-pressure gas transmission line owned by the City of Long Beach and a 16-inch medium-pressure pipeline owned by SCG are located between the NAVWPNSTA [Naval Weapons Station] Seal Beach perimeter security access road and Caltrans I-405 ROW in Seal Beach" (p. 3.1.5-2). "Several of the utilities in the utility conflict matrix in Appendix K, Section K2, have been identified as 'high risk' under the Policy on High and Low Risk Underground Facilities within the Highway Rights-of-Way (Caltrans Right-of-Way Manual, January 1997). ... The Policy states that facilities transporting the following, whether encased or not, are considered high-risk facilities: [1] Petroleum products; [2] Oxygen; [3] Chlorine; [4] Toxic or flammable gases. Caltrans also considers the following additional types of utility facilities as high risk: [A] Natural gas in pipelines with a greater than 6-inch pipe diameter or in pipelines with normal operating pressures greater than 60 pounds per square inch gauge (psig)" (emphasis added) (pp. 3.1.5-12 and 13).

Although two of the three "options" with regards to the relocation the existing 14-inch and 16-inch HP gas/petroleum lines would place those lines in the backyard of a number of existing single family homes within the College Park East neighborhood, absent from the DEIR/S is any description of: (1) the nature of those lines (other than their diameter); (2) the type, duration, frequency, and pressurization of materials transported (including source and destination); (3) characteristics of those materials (e.g., flammable, corrosive, and/or explosive); (4) right-of-way requirements; (5) associated land-use restrictions, including prohibitions concerning overtopping; (6) type of construction materials proposed; (7) depth of excavation and construction-term impacts (e.g., access, material delivery and handling, excavation); (8) federal, State, and local regulatory requirements relating to those lines and their placement; (9) consistency with local plans and policies; (10) risk of upset; (11) proximal land uses; and (12)

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potential health and safety implications to residents and others adjacent or proximal to those new alignments. Additionally, with regards to those facilities and/or utilities in general, no threshold of significance criteria have been identified, no determination of significance has been presented, and no avoidance, minimization, or mitigation measures have been formulated by the Lead Agency (see pp. 3.1.5-18 and 3.2.5-16 thru 18).

The Lead Agency states that the proposed relocation of these gas/petroleum lines results directly from the Department's approval of the "SR-22 WCC Project Phase II." Where in the WCC FEIR/S are the potential environmental impacts of the proposed relocation of these 14-inch and 16-inch diameter lines addressed? What is the precise language of the agreement between the Department and the United States Navy (Navy) with regards to the above referenced easement and those lines? Did the agreement between the Department and the Navy serve to further a specified mitigation measure or impact avoidance strategy presented in the WCC FEIR/S? If part of the WCC, why is the Lead Agency not pursuing the preparation of a supplement to the WCC FEIR/S as the appropriate environmental documentation for the gas/petroleum pipeline relocation project? What planning study or other analyses was performed by Caltrans or by others involving the identification of those "three relocation options"? Is the Lead Agency seeking to utilize this DEIR/S, once certified, as the environmental basis for the gas/petroleum pipeline relocation?

If a ROW "easement" could be negotiated between the Department and the United States Navy as part of the WCC, why could a similar agreement not again be negotiated with regards to the proposed action, this shifting the alignment southward and away from the College Park East neighborhood and Almond Avenue?

The DEIR/S states that "ROW acquisition from Naval Weapons Station (NAVWPNSTA) Seal Beach was proposed early in the project development process. The Navy indicated that substantial impacts to the mission of the base would result from encroachment into the base" (p. 2-4). How would a more southerly alignment "substantially impact" the NAVWPNSTA? In what documentation did the United States Navy "indicate" its concerns and can copies of that material be provided for public review? Are there physical constraints that would prevent the expansion of Caltrans' ROW onto the NAVWPNSTA?

The DEIR/S further states that "NAVWPNSTA Seal Beach is a weapons and ammunition storage, disbursing, and reconditioning base for the United States Navy" (p. 3.2.5-11). Has any mapping been performed by the United States Navy or by others illustrating explosive, blast overpressure, or other public safety hazard radii with regards to stored munitions or other materials located on or associated with the NAVWPNSTA and where are those maps referenced and included in the DEIR/S? Are there are potential risks to NAVWPNSTA activities or operations attributable, either directly or indirectly, from the operation of the I-405 Freeway?

At the June 26, 2012 community meeting in Seal Beach, the OCTA represented referenced a "blast arch" associated with the NAVWPNSTA. What is a "blast arch" and what predicates its existence? How often is that mapping updated and does it accurately reflect existing safety hazards? Are safety risks reduced to a "non-existent" level beyond the specified distance or does the mapping reflect a different safety rating?

The Pipeline Safety Improvement Act of 2002 (H.R. 3609) imposes specific requirements on the natural gas industry designed to ensure the safety and integrity of its pipelines. The law places requirements on each pipeline operator to prepare and implement an "integrity management

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program" (IMP) that, among other things, requires operators to identify "high consequence areas" (HCA) on their systems. HCAs are areas within a specified distance from a pipeline meeting USDOT-defined human occupancy criteria.

As defined in 49 CFR 192.903: "High consequence area means an area established by one of the following methods described in paragraphs (1) or (2) as follows: (i) An area defined as (i) A Class 3 location under §192.5; or (ii) A Class 4 location under §192.5; or (iii) Any area in a Class 1 or Class 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or (iv) Any area in a Class 1 or Class 2 location where the potential impact circle containing (i) 20 or more buildings intended for human occupancy, unless the exception in paragraph (4) applies; or (ii) An identified site. Identified site means each of the following areas: (a) An outside area or open structure that is occupied by twenty (20) or more persons on at least 50 days in any twelve (12)-month period. (The days need not be consecutive.) Examples include but are not limited to, beaches, playgrounds, recreational facilities, camping grounds, outdoor theaters, stadiums, recreational areas near a body of water, or areas outside a rural building such as a religious facility; or (b) A building that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve (12)-month period. (The days and weeks need not be consecutive.) Examples include, but are not limited to, religious facilities, office buildings, community centers, general stores, 4-H facilities, or roller skating rinks; or (c) A facility occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate. Examples include but are not limited to hospitals, prisons, schools, day-care facilities, retirement facilities or assisted-living facilities. Potential impact circle is a circle of radius equal to the potential impact radius (PIR). Potential impact radius (PIR) means the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the formula $r = 0.69 \sqrt{p'd^2}$, where 'r' is the radius of a circular area in feet surrounding the point of failure, 'p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and 'd' is the nominal diameter of the pipeline in inches. Note: 0.69 is the factor for natural gas. This number will vary for other gases depending upon their heat of combustion. An operator transporting gas other than natural gas must use section 3.2 of ASME/ANSI B31.8S-2001 (Supplement to ASME B31.8; ibid, see §192.7) to calculate the impact radius formula."

As reported in the Transportation Research Board's (TRB) "Transmission Pipelines and Land Use: A Risk-Informed Approach," Committee for Pipeline and Public Safety: Scoping Study on the Feasibility of Developing Risk-Informed Land Use Guidance near Existing and Future Transmission Pipelines, Special Report 281 (2004): "There are many causes and contributors to pipeline failures, including construction errors, material defects, internal and external corrosion, operational errors, malfunctions of control systems or relief equipment, and outside force damage (e.g., by third parties during excavation). Of these, excavation and construction-related damage to pipelines are the leading causes of pipeline failure. Including operator excavation, third-party excavation, vandalism, and other outside forces, such failures in 2003 were estimated by USDOT to contribute 22 and 24 percent of hazardous liquids and natural gas transmission pipeline incidents, respectively. With increasing urbanization, land development activity near transmission pipelines, and the addition of new facilities to serve growing populations, the likelihood of construction-related pipeline damage may increase, and more people and property may be exposed to pipeline failures" (p. 19).

United States Geological Survey (USGS) reports that buried pipelines are vulnerable to permanent ground deformation and wave propagation (shaking). Ground deformation can

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include fault rupture, landslide, and liquefaction and associated lateral spreading and settlement. Pipe damage mechanisms include compression/ wrinkling, joint weld cracking/separation, bending/shear resulting from localized wrinkling, and tension. If a pipeline does fail, the consequences are dependent on its contents, diameter, and pressure of its contents. The two general categories of contents are "product" (including liquid fuels that could be gasoline, jet fuel, diesel fuel, or other liquid fuels) and natural gas. The operating pressure in natural gas pipelines can approach 1,000 pounds per square inch (psi). Gas released through failures in small diameter low-pressure gas mains (distribution mains) will generally dissipate quickly. Failure of large diameter high-pressure natural gas pipelines can result in an explosion that can blast a crater in the surrounding soil and damage nearby and overhead structures and facilities (such as power transmission lines). In any case, an ignition source is required to initiate the explosion (e.g., vehicle ignition system, cigarette lighter, or spark from a metal or stone impact). There is speculation that pipelines running parallel to overhead transmission lines carry an induced current that could cause a spark if the pipeline was ruptured. As such, there is a high probability that there will be an ignition source in the event of a rupture of a high-pressure pipeline. For some liquid fuels, such as diesel, the potential for fire is low but a rupture would result in environmental contamination (Source: USGS, The Shakeout Scenario, Supplemental Study – Oil and Gas Pipelines, Open File Report 2008-1150, May 2008, pp. 3-4).

With regards to liquid petroleum pipelines, a fire scenario could result from a pipeline spill and a nearby ignition source (e.g., vehicle fire). The risk of petroleum product fire is substantial because components of refined products, such as gasoline, evaporate quickly and can form flammable vapor clouds. In the event that a pipeline accident was to result in a rupture or large leak, there is a likelihood that the product could ignite should there be a high concentration of flammable hydrocarbons released and should an ignition source be present.

The failure of a high-pressure natural gas pipeline can lead to various outcomes, some of which can pose a significant threat to people and property in the immediate vicinity of the failure location. For a given pipeline, the type of hazard that develops and the damage or injury potential associated with the hazard will depend on the mode of failure (i.e., leak vs. rupture) the nature of the gas discharged (i.e., vertical vs. inclined jet, obstructed vs. unobstructed jet), and the time to ignition (i.e., immediate vs. delayed). The dominant hazard is thermal radiation from a sustained jet or trench fire, which may be preceded by a short-lived fireball.

Although a variety of analysis methodologies may be available, one often cited model (C-FER Model) examines isometric thermal radiation distances to determine a burn radius and a one percent fatality radius from a natural gas pipeline break. The C-FER Model calculates the degree of harm to people due to thermal radiation by using a mode that relates the potential for burn injury or fatality to the thermal load received. A 30-second exposure time is assumed for people exposed to the fire in the open. In this interval, it is assumed that an exposed person will remain in a fixed position for between 1-5 seconds and then run at 5 mph in the direction of shelter. It is further assumed that an exposed person would find a shelter located within 200 feet of their initial position. It is offered that the heat flux that will cause burn injury is between 1,000 and 2,000 Btu/h/ft², depending on the burn injury criteria. The threshold level of heat flux for fatal injury is determined when the chance of mortality is one percent. The heat flux is calculated to be 5,000 Btu/h/ft². On the basis of thermal radiation levels, C-FER calculates the radius of a hazard area as a function of pipeline size (diameter) and operating pressure.

The annual frequency of pipeline failure and product release is based on historic data from the Office of Pipeline Safety (OPS) Gas Pipeline Incident Database and Hazardous Liquid Pipeline

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Accident data (available at www.phma.dot.gov). These failure rates are based on historic data for significant releases specific to pipelines in California. As indicated in Table 1 (Normalized Pipeline Average Failure and Release Frequencies for California Pipelines [1984-2001 Period]), for refined product pipelines, the failure probability of pipelines is estimated to be 1.3×10^{-3} (1.3E-03) or 0.0013 releases per mile per year.

Table 1
Normalized Pipeline Average Failure and Release Frequencies for California Pipelines
(1984-2001 Period)

Pipeline Product	Pipeline Service Type	Release Frequency (number of releases/mile/year)
Natural Gas	Transmission Line	1.2E-04 (0.00012)
Natural Gas	Gathering Line	2.1E-04 (0.00021)
Natural Gas	Distribution Main Line	4.6E-05 (0.000046)
Hazardous Liquids – All Commodity Types	Transmission Line	1.6E-03 (0.0016)
Crude Oil	Transmission Line	2.3E-03 (0.0023)
Refined Product	Transmission Line	1.3E-03 (0.0013)

Source: California Department of Education, Guidance Protocol for School Site Pipeline Risk Analysis, Volume I – User's Manual, February 2007, Table 4-3, p. 4-21

Would the College Park East neighborhood constitute a HCA within the meaning of Pipeline Safety Improvement Act of 2002? Where in the DEIR/S is the PIR illustrated? How many residential structures and other habitable buildings exist within the PIR? Was a C-FER analysis performed for each of the options and what were the findings of those analyses?

The Department's lack of disclosure concerning the relocation of the 14-inch and 18-inch diameter HP gas/petroleum pipelines raises the accompanying issue relating to the transport of hazardous materials and wastes. What types, forms, and quantities of hazardous materials and wastes (including petroleum products) are transported along the I-405 Freeway and at what volumes and frequencies? Along California's highway system, have there ever been accidents that resulted in the release of hazardous materials and/or wastes? Have those events ever resulted in fatalities or injuries to individuals not located within the Department's ROW or damage to real property?

Avoidance and minimization measure HAZ-6 notes: "Prior to construction, if still present, two 30-gallon open trash bins and two 5 gallon buckets that were dumped in the I-405 northbound shoulder just south of the I-605 interchange shall be removed and properly disposed of by the contractor" (p. 3.2.5-17). This measure suggests that hazardous materials and wastes may be periodically (albeit illegally) discarded within the Department's ROW. Has the Department ever experienced or made aware of such illegal disposal practices and what types of hazardous wastes and materials (including petroleum products) have been dumped along California's freeway system?

2.2.3 HOV/HOT Lane Access

The DEIR/S appears to include contradictory language concerning future access to the HOV lane by carpoolers, vanpoolers, and transit facilities. The DEIR/S states that "[t]he tolled Express Lane and the existing HOV lanes would be managed jointly as a tolled Express Facility

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with two lanes in each direction from SR-73 to I-605" (p. 2-3). As indicated in the Traffic Study: "To facilitate access to the Express Lane Facility, the following seven access points are currently under consideration on: (1) I-405 south of the SR-73 junction, by an at-grade access; (2) SR-73 south of the I-405 junction, by a direct connector; (3) I-405 in the Magnolia Street/Warner Avenue area, by an at-grade access; (4) I-405 in the Bolsa Avenue/Goldenwest Street area, by an at-grade access; (5) SR-22 east of the I-405 junction, by a direct connector; (6) I-605 north of the I-405 junction, by a direct connector; and (7) I-405 north of the I-605 junction, by an at-grade access" (p. 1-12). From those passages, because the HOV and toll lanes are closely linked (e.g., motorists can change lanes) it can be concluded that access to the HOV lane will be similarly restricted.

The Lead Agency states that the "existing condition" includes "Project EA 0J440K, which would provide continuous ingress and egress from the HOV lanes on the entire length of I-405 in Orange County" (S-10). As a result, among other things, the proposed action appears to negate the Department's recent approval of "Project EA 0J440K" and contradicts whatever rationale was presented for its adoption. Since neither that rationale nor further description of "Project EA 0J440K" is presented in the DEIR/S, the affected public is denied the ability to comment thereupon, including the apparent inconsistency between the early action and current proposal.

As indicated in the WCC FEIR/S: "The lack of HOV facilities on SR-22 and HOV direct connectors at crossing freeways causes a discontinuity for regional HOV traffic. Vehicles using the HOV lanes on the connecting freeways must exit the HOV facilities and use general-purpose lanes on SR-22, I-405 or I-605. There is little incentive or opportunity for individual drivers to switch from single-occupancy vehicles (SOVs) to carpooling or transit without dedicated facilities for this purpose. If SOV drivers cannot decrease their commute times because there are no dedicated lanes for HOVs or buses only, they are more likely to forego carpooling or using transit in favor of driving alone" (p. 1-9). Similarly, if MOUs are prevented from accessing the HOV lanes based on access restrictions, those vehicles will contribute to traffic volumes on the GP lanes as they await the next authorized "express lane" opening. With regards to both the WCC FEIR/S and this DEIR/S, how is the promotion of a lack of continuous access to the HOV lane on the I-405 Freeway consistent with the arguments espoused by the same Lead Agency and used to support of the direction connection at freeway crossings presented in the WCC FEIR/S?

As indicated in the DEIR/S: (1) "Alternative 1 would provide continuous access between the HOV and GP lanes. On July 31, 2007, the Department approved a Project Study Report (PSR) for a separate project (EA 0J440K) to provide continuous ingress and egress from the HOV lanes on the entire length of I-405 in Orange County. This separate project has not yet been programmed or funded; however, the proposed continuous access would be implemented as part of Alternative 1 of the proposed project for the segment of I-405 between Euclid Street and I-605" (p. S-4; see also 2-8); (2) "Alternative 2 would provide continuous access between the HOV and GP lanes. On July 31, 2007, the Department approved a PSR for a separate project (EA 0J440K) to provide continuous ingress and egress from the HOV lanes on the entire length of I-405 in Orange County. This separate project has not yet been programmed or funded; however, the proposed continuous access would be implemented as part of Alternative 2 of the proposed project for the segment of I-405 between Euclid Street and I-605. Transit vehicles and HOV2+ would continue to be eligible to utilize the HOV lanes" (pp. S-5 and 6; see also 2-9); and (3) "Compared to the existing condition, as recorded in the Notice of Preparation (NOP) (issued August 31, 2009) and the Notice of Intent (NOI) (issued September 1, 2009), the future No Build Alternative includes the future completion of the following two projects: [1] The SR-22 West

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County Connectors (WCC) Project (currently in the construction phase), which has received environmental document approval and is proceeding through the design and construction phases; and [2] Project EA 0J440K, which would provide continuous ingress and egress from the HOV lanes on the entire length of I-405 in Orange County. This separate project has not yet been programmed or funded" (pp. S-9 and 10; see also p. 2-23).

Although clearly specified with regards to all other build and no build alternatives, the application of "Project EA 0J440K" is left intentionally vague with regards to Alternative 3. This is likely because, under Alternative 3, access to the "express lanes" (including both the HOV and HOT lanes) would be substantially restricted. The DEIR/S notes that, as proposed, "[a]ll vehicles in the express lanes, tolled or free, will be able to use both lanes of the Express Lane Facility" (VIA, p. 18). As such, with the exception of the "seven access points," non-toll paying HOVs would be prevented from accessing the "express lanes," requiring those vehicles to travel in the GP lanes greater distances than they would now travel and, thereby, adding to congestion (including air pollutants) in the GP lanes.

What was the Department's rationale for the approval of "Project EA 0J440K"? Where in the DEIR/S is there a discussion of the proposed action's lack of consistency with "Project EA 0J440K"? How will restrictions on access to the HOT lane affect access to the HOV lane? Can qualifying and/or toll-paying motorists travel freely between the HOT and HOV lanes? Is the imposition of restriction on HOV lane access consistent with "Project EA 0J440K"?

How does lack of access to the HOV lane serve to encourage carpool formation for short-length and/or long-length travel distances? Was lack of continuous access to the "express lanes" by both MOVs and HOVs explicitly considered in accessing travel time and, if so, what assumptions were utilized regarding restricted access (e.g., how many miles did motorists need to travel before accessing the "express lanes")? Where assessments of travel time based solely on vehicles passing the northern and southern ends of the designated "corridor" or were trips originating and ending from ramps internal to that "corridor" also considered? Once fully implemented, from point of ingress onto the freeway, what is the longest distance a vehicle has to travel to access the HOV lane under "Project EA 0J440K"? Under the proposed action, from point on ingress onto the freeway, what is the longest distance a vehicle has to travel before accessing the "express lanes"?

2.3 City-Nominated Mitigation Measures

As specified under Section 21081.6(c) of CEQA, prior to the close of the comment period on a draft EIR, "a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents." Although the full scope of project-related and cumulative impacts (e.g., air quality and human health risks) cannot be entirely known based on the inadequacies of the DEIR/S, without excluding the subsequent introduction of other City-identified actions, the following project modifications have been identified and, if implemented, would address some of Seal Beach's concerns:

- (1) **Seal Beach Mitigation Measure No. 1.** Along the northbound segment of the I-405 Freeway, between Bolsa Chica Road/Valley View Street and Seal Beach Boulevard,

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modify the proposed freeway configuration to reflect the alternative design plans prepared by W.G. Zimmerman Engineering, Inc., as illustrated in Attachment A (Alternative Design Configurations) herein, or such alternative design as may accommodate the approved freeway improvements without resulting in the further encroachment of the existing or replacement soundwalls (S1116, S1132, and S1162) into the College Park East neighborhood.

- (2) **Seal Beach Mitigation Measure No. 2.** The existing soundwalls (S1116, S1132, and S1162) situated in proximity to Almond Avenue in the City of Seal Beach (between Seal Beach Boulevard on the west and Bolsa Chica Road/Valley View Street on the east) shall not be relocated northward so to further encroach into or toward the College Park East neighborhood. Proposed freeway improvements shall be confined to the area south of the existing soundwalls, thus (a) allowing for the retention of the existing landscaping located between the soundwall and Almond Avenue, (b) preserving the existing street pavement width and availability of on-street parking, (c) avoiding the take, loss, or forfeiture of any public and/or private property interests within that area, and (d) avoiding the need to relocate any existing overhead or underground utilities.
- (3) **Seal Beach Mitigation Measure No. 3.** To the extent that further noise mitigation benefitting the College Park East neighborhood can be demonstrated, a new or replacement soundwall shall be provided in proximity but not necessarily colinear with the edge of Caltrans' right-of-way, encroaching into the neighborhood no further than the existing soundwall's outer edge. The new or replacement soundwall shall: (a) be of a height and configuration that measurably improves (i.e., 5-dBA or greater noise reduction) noise mitigation over existing conditions, (b) fully conforms to or exceeds existing seismic safety standards, (c) contains decorative elements and/or outward (northern) facing landscaping and associated irrigation improvements for the aesthetic benefit of the adjoining residential area, (d) be designed and constructed so as to reduce potential visual impacts resulting from graffiti and other vandalism, and (e) the proposed said wall shall be constructed to a minimum of the same existing elevation of the existing soundwall.
- (4) **Seal Beach Mitigation Measure No. 4.** Caltrans shall construct a new 14-foot or taller soundwall (S1162) in the vicinity of the Seal Beach Tennis Center. Soundwall S1162 shall align with the existing soundwall to the east and extend approximately 700 feet to the west, from east of Aster Street to the parking area located on the west side of the Seal Beach Tennis Center. In accordance with Caltrans' own analysis, the soundwall shall be of a height and configuration sufficient to produce a minimal 5 decibel (dBA) noise reduction at the tennis center's administrative facilities.
- (5) **Seal Beach Mitigation Measure No. 5.** Contract or other documentation shall stipulate that construction activities do not impede traffic along Almond Avenue or result in the temporary or permanent loss of parking opportunities along that roadway.
- (6) **Seal Beach Mitigation Measure No. 6.** The existing 14-inch high-pressure (HP) transmission, the existing 16-inch HP distribution gas line, and the existing Verizon telecommunications facility presently located on the south side of I-405 Freeway within Caltrans' current right-of-way and planned for relocation shall not be relocated to the north side of the I-405 Freeway and/or placed in proximity to the College Park East neighborhood. Any plans for the relocation of those facilities to an alternative location

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with the City of Seal Beach shall be subject to approval and conditioning by the Seal Beach City Council.

- (7) **Seal Beach Mitigation Measure No. 7.** Except through written authorization from the City of Seal Beach Director of Public Works and subject to reasonable City-imposed conditions, no construction-related traffic shall be authorized along College Park Drive, Beverly Manor Road, and Almond Avenue and no construction staging activities, including, but not limited to, equipment and worker parking, maintenance operations, and material storage or stockpiling, shall be performed within the College Park West Leisure World, and College Park East neighborhoods.

The inclusion of these City-nominated mitigation measures herein should neither be construed as a declaration of Seal Beach's support of the proposed action nor concurrence that adoption of these measures would reduce significant environmental effects to a less-than-significant level; rather, with regards to certain topical issues, these measures are proposed for the sole purpose of further minimizing the potential environmental impacts that are anticipated to result from the project's implementation.

3.0 FALLACIES REGARDING THE PROPOSED ACTION

Any structure build on a shaky foundation will not support its eventual weight. With respect to the proposed action, there exist substantive erroneous foundational assumptions in the DEIR/S that serve to negate both the resulting environmental analysis and the Lead Agency's findings. The following inherent problems are not merely those expressed by a minority opinion but constitute the conclusions of the majority of the scientific community. Since these fallacies drive at the heart of the Lead Agency's analysis (and the foundations upon which the DEIR/S' assumptions and conclusions rest), there representation as fact rather than merely conjecture presents a singular focus intended solely to support the conclusion that building more freeway lane-miles is the obvious and only rationale course of action.

CEQA stipulates that "the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts" (14 CCR 15151). Absent from the DEIR/S is any consideration of divergent viewpoints (supported by substantial evidence) allowing the project to be examined from a perspective not resulting in the selection between three inherently similar lane-mile expansion plans for the I-405 freeway.

3.1 Freeway Traffic Growth Projections

There exists something inherently deceptive in the extrapolation of traffic forecasts. Just as a pipeline has a finite capacity to transport fluids, regulated by diameter and pressure, those same laws of physics are assumed not to apply to the I-405 Freeway. Unlike a pipeline, within its confines, the number of vehicles attempting to flow past two fixed points (traffic demand) is not uniform but varies based on the time of day and the day of week. In either conduit, however, there exists a finite conveyance volume that cannot be increased without a corresponding increase in design capacity. In reality, actual traffic volumes cannot exceed available capacity. As a result, projections that traffic volumes will increase by nearly 50 percent only serve as "scare tactics" presently for the sole purpose of promoting a predetermined agenda.

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If the freeway is considered a "closed system," traffic volumes cannot grow without added capacity. If the network of freeway, arterials, secondary, and local streets constitutes an "open system" (e.g., traffic diverting to the path of least resistance), traffic growth otherwise assignable to the freeway might be diverted onto other arterial highways. Congestion on arterials may then push automobiles only secondary streets and ultimately onto local streets. At each link of that chain, particularly when presented with choices and options, driving habits can be altered. Employees can petition employers for more flexible hours. Wage earners may seek alternative employment opportunities closer to home. New carpools and vanpools will be formed. More commuters will seek alternative forms of transportation. Most certainly, fewer SOVs will be on the road during peak periods.

As reported in the Traffic Study and presented in Table 4 (Freeway Average Daily Traffic (ADT) Volumes -- Existing and Future) herein, within the Seal Beach area, traffic volumes along the I-405 Freeway are projected to increase from 370,260 average vehicles per day (ADT) in 2009 to 453,580 ADT in 2020 to 508,780 ADT in 2040. Traffic growth between 2009 and 2020 is reported to be "based on interpolation of Year 2009 and Year 2040 traffic forecasts weighted for expected land use growth" (Traffic Study, p. 2.2-1). Traffic forecasts for Year 2040 conditions are "based on the OCTAM 2035 traffic forecasts increased by 1% to Year 2040" (ibid).

Independent whether freeway improvements are instituted, the Lead Agency is representing that these traffic volumes will exist on the freeway under both the No Build Alternative and any of the three build scenarios. As indicated in the DEIR/S, the build alternatives "would not accommodate additional traffic beyond what is currently projected with or without the project" (p. 3.1.2-8). If the proposed improvements are not implemented, will traffic volumes in the Seal Beach area on the I-405 Freeway still approach 508,780 ADT?

In what appears to be an internal contradiction, the Lead Agency's assertion that, although "expected land use growth" (Traffic Study, p. 2.1-1) translate into a substantial increase in ADT, "the project area is highly urbanized and built out, containing few vacant or underdeveloped parcels" (p. 3.1.2-5) and "the amount of vacant land or land ready for development within the study area is extremely limited [e.g., 213 acres within Costa Mesa, 472 acres within Huntington Beach], representing 2 to 5 percent" (3.1.2-8). The Department appears to be arguing that no induced-growth is expected (i.e., "the project is not growth inducing," p. 3.1.2-9) because there remains no additional areas for grow while at the same time basing its arguments for the need for new lane-miles on a nearly 50 percent increase in traffic volumes between 2009 and 2040.

To the extent that the Lead Agency seeks to argue that the annual growth of "1% to Year 2040" is the result of development which is occurring outside the boundaries of the designated "corridor," then a more regional assessment of traffic and cumulative impacts (beyond that now presented) is called for.

As indicated in the DEIR/S: "Data contained in the SCAG RTP Growth Forecast, adopted March 2008, provides information on current and forecasted (through year 2035) population and employment totals and growth trends" (emphasis added) (p. 3.1.2-3). The Department notes that "[t]he 2008 RTP presents the transportation vision for the SCAG region through the year 2035 and provides a long-term investment framework for addressing the region's transportation and related challenges" (emphasis added) (p. 3.1.1-19). Absent from the DEIR/S is any reference the Southern California Association of Government's (SCAG) "2012-2035 Regional Transportation Plan/Sustainable Communities Strategy" (2012 RTP/SCS), as adopted on April

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4, 2012. As such, the totality of the Lead Agency's analysis is based on out-dated "current and forecasted population and employment totals and growth trends." 48

As noted in SCAG's "Economic Recession and Population Projections in a Regional Context" (January 7, 2010): "Economic recession of Orange County will bottom out in 2010 or 2011. The job growth in 2010 and 2020 will be much lower than what is currently projected. The economy will rebound but not to the same levels as 3 years ago. The 2020/2035 targets will be pushed out to later years. The numbers forecast for 2020 might happen in 2035" (p. 10). As further noted in SCAG's "Projecting Regional Population in the Middle of an Economic Recession: Case of Southern California" (November 7, 2010, v.3):

Population projections play a key role in determining the future community needs including housing and transportation in a regional planning context. Regional demographers and planners efficiently and regularly develop and update the future population growth using diverse data sources including US Census Bureau, State Statistical Agency, and private vendors. Those federal and state agencies do not frequently update their demographic assumptions, and sometimes might not maintain currency and reasonableness of population projections. We recently have experienced the unexpected economic recession beginning in December 2007 across the nation, which would affect the regional population growth, in particular, migration, in the near future. The assumption of existing population projections quickly becomes questionable due to the economic uncertainty in the near future. The traditional long term perspective, which might not reflect the on-going economic trends and the frequently updated short term economic forecast, might result in the serious bias of the short term and long term population projections (p. 3)

Substantial population deviations can be identified when comparing the Lead Agency's 2008-based population projections, as presented in Table 3.1.2-1 (Population Growth Forecast within Cities/Communities Covering Project Study Area) in the DEIR/S (p. 3.1.2-3), and the SCAG's "Growth Forecast Appendix, Proposed Final" (April 2012). As indicated therein: "The region currently faces serious challenges caused by the recent economic recession that began in December 2007. The region lost approximately 800,000 jobs from 2007 to 2010. Although the economic recession officially ended in 2009, the region is still struggling to bring its economy back to the pre-recession level" (p. 5) and during this period, for every 100 jobs lost in the United States, 17 were in California, and of those, 9 were lost in the SCAG region" (p. 21).

Presented in Table 2 (Comparative Population Growth Forecasts), Year 2035 population projections for each of the city and county areas identified by the Lead Agency are compared against the most recent SCAG projections. As indicated, the Department's projected population increase exceeds current SCAG projections by up to 125.3 percent. From that, it would have to be assumed that projected traffic volumes would reflect a similar overestimation. 49

As indicated in SCAG's "Growth Forecast Appendix, Proposed Final," "[t]he regional growth forecast is used as a key guide for future transportation investments in the SCAG region" (p. 10). Although the project's sole objective is to be "[t]o be consistent with regional plans" (DEIR/S, p. 1-5), the Department does not even look to the regional planning agency's current growth forecasts as the basis for its planning efforts. Since they serve as the fundamental basis upon which the Lead Agency's entire analysis is derived, rely upon outdated 2008 data, are inconsistent with current SCAG 2012 RTP/SCS projections, and fail to reflect the region's 50

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current economic environment, the Lead Agency's population, housing, employment, and ADT projections constitute an "area of controversy" (14 CCR 15123[b]).

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Comparative Population Growth Projections (Year 2035)

County of City	DEIR/S ¹	2012 RTP/SCS ²	Difference	
	Year 2035	Year 2035	Number	% Overestimated
Orange County	3,663,960	3,421,000	232,960	106.8
Costa Mesa	126,958	114,000	12,958	111.4
Fountain Valley	64,525	59,500	5,025	108.4
Garden Grove	162,532	180,300	12,232	105.8
Huntington Beach	225,815	205,500	20,315	109.9
Los Alamitos	13,312	12,000	1,312	110.9
Unincorporated Orange County	237,211	189,300	47,911	125.3
Seal Beach	27,871	24,800	3,071	111.2
Westminster	102,017	92,800	9,207	110.2

Footnotes:

1. California Department of Transportation, Draft Environmental Impact Report/Environmental Impact Statement – San Diego Freeway Improvement Project, Orange and Los Angeles Counties, California, SCH #2009091001, May 2012, Table 3.1.2-1, p. 3.1.2-3.
2. Southern California Association of Governments, Growth Forecast Appendix, Proposed Final, April 2012, pp. 33-34.

Source: City of Seal Beach

If it can be assumed that each travel lane has a finite ability to facilitate the conveyance of vehicles (based on a specified vehicle mix and optimal LOS), there must exist a "cap" on the number of vehicles physically able to utilize the freeway. Since the Lead Agency purports that peak-hour traffic already exceeds LOS "E" both in the HOV and GP lanes, then it can be surmised that Year 2009 conditions closely replicate the existing freeway's carrying capacity without alterations in the time that motorists choose to travel. If presently at or nearing capacity, then the Lead Agency's assumptions concerning increased ADT is highly suspect.

If land-use intensification is the prime contributor to increased VMT, then the Lead Agency itself appears to be the major contributor to traffic growth. As indicated in Table 7 (Induced Travel Demand in Increased Vehicle Miles Traveled), the Lead Agency acknowledges that the proposed freeway improvements will increase VMT by 1,013,000 miles/year. In addition, the DEIR/S states that Alternative 1 will "result in approximately 32,000 direct/indirect/induced jobs," Alternative 2 will result in "approximately 34,000 direct/indirect/induced jobs," and Alternative 3 will result in "approximately 42,000 direct/indirect/induced jobs" (CIA, p. 6-2).

In its single focus to build more lane-miles, the Lead Agency ignores national trends, including changing travel behavior. For example, unaddressed are the affects of gasoline prices on travel. As reported in the Congressional Budget Office's (CBO) "Effects of Gasoline Prices on Driving Behavior and Vehicle Markets" (January 2008):

The 100 percent increase in real U.S. gasoline prices since 2003, which is larger even than the record increases of the early 1980s, has induced motorists to adjust their driving habits and the types of vehicles they purchase. Those responses have important implications for the future fuel efficiency of the passenger vehicle fleet, for the way vehicles are driven, and for the use of the nation's highway and mass transit networks should higher gasoline prices persist. . . Freeway motorists have adjusted to

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higher prices by making fewer trips and by driving more slowly. CBO analyzed data collected at a dozen metropolitan highway locations in California, along with data on gasoline prices in California, to identify changes in driving patterns. On weekdays in the study period, for every 50 cent increase in the price of gasoline, the number of freeway trips declined by about 0.7 percent in areas where rail transit is a nearby substitute for driving; transit ridership on the corresponding rail systems increased by a commensurate amount. Median speeds on uncongested freeways declined by about three-quarters of a mile per hour for every 50 cents the price of gasoline has increased since 2003 (pp. ix and x).

The research suggests that a 10 percent increase in the retail price of gasoline would reduce consumption by about 0.6 percent in the short run.⁵ Over a longer period, consumers would be much more responsive to an increase in the price of gasoline (should the higher price persist) because they would have more time to make choices that took longer to put in place, such as buying an automobile that gets better gasoline mileage. Estimates of the long-run elasticity of demand for gasoline indicate that a sustained increase of 10 percent in price eventually would reduce gasoline consumption by about 4 percent. That effect is as much as seven times larger than the estimated short-run response, but it would not be fully realized unless prices remained high long enough for the entire stock of passenger vehicles to be replaced by new vehicles purchased under the effect of higher gasoline prices - or about 15 years. Over that time, consumers also might adjust to higher gasoline prices by moving or by changing jobs to reduce their commutes - actions they might take if the savings in transportation costs were sufficiently compelling. Those long-term effects would be in addition to consumption savings from short-run behavioral adjustments attributable to higher fuel prices (p. xi).

As further reported by the FHWA's "Innovations for Tomorrow's Transportation" (Issue 1, May 2009), in "Impacts of Higher Fuel Costs," the author (Dan Brano) reported: "We know from traffic engineering that small changes in traffic volumes on congested highways make a big difference in travel speeds. An indication of this is given above in the data section in which the average gas price increase of 28% over the first half of 2008 over 2007 resulting in about a 3% reduction in VMT over 2007 'influenced a 3% reduction in the Travel Time Index for the nation as a whole. This one-to-one correspondence of VMT reduction to travel time reduction is an important finding' (emphasis added) (p. 55).

In contrast, when comparing any of the three build options the No Build Alternative, VMT will substantially increase. Based on the connectivity between VMT and travel time reductions, to the extent that the Lead Agency's purpose and need declaration includes "improve trip reliability, maximize throughput, and optimize operations" (DEIR/S, p. S-1), a wide range of alternatives based on reductions in VMT should have been considered by the Lead Agency. In what appears contrary to federal and State policies relating to GHG emission reductions, VMT reduction strategies, however, were never considered.

3.2 Acceptance of Substandard Conditions

As specified in the OCTA's "2011 Orange County Congestion Management Program": "During subsequent LOS monitoring, CMP statute requires that CMPS intersections maintain a LOS grade of 'E' or better, unless the baseline is lower than 'E'; in which case, the ICU rating cannot increase by more than 0.1" (p. 5).

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As specified in the Seal Beach General Plan, it is the adopted goal of the City to "provide a circulation system that supports existing, approved, and planned land uses throughout the City while maintaining a desired Level of Service on all streets and at all intersections" (Circulation Element, p. C-50). As a policy, the City strives to "maintain a citywide Level of Service not exceeding LOS D for roadway segments and intersections during the peak hour" (p. C-50). Recognizing that the maintenance of LOS "D" during peak-hour constitutes a lofty goal, as a target, the City does not accept LOS "E" or "F" conditions as constituting the foundation for its planning and transportation engineering efforts.

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Is indicated in the MIS, completed in 2006, the foundational steps upon which that analysis (and arguably everything that follows) was based included: "(1) Identifying travel needs and mobility issues within the study area; (2) Establishing goals and objectives; [and] (3) Developing a broad range of possible alternative transportation concepts" (p. 10). As that information has been translated and reinterpreted in the DEIR/S, the fundamental error is the Lead Agency's acceptance of substandard traffic conditions (LOS "F") for the overwhelming majority of freeway users as a goal toward which Caltrans and the OCTA now strive. Rather than accepting the status quo and saying "maybe we can do just a little better for some drivers," a broader acceptance of the planning process and its resulting environmental documentation would be developed if the two agencies' vision was the formulation of alternatives and mitigation strategies designed to promote the attainment of acceptable transportation operations (LOS "D" or better conditions), not only on the I-405 Freeway but throughout the region based on a multiple modal solution (asking "what do we want to accomplish and how do we get there?").

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The MIS and all the well-intended but misguided efforts that followed are founded on the acceptance and/or perpetuation of a deficient and defective transportation system (e.g., LOS "F" conditions) as the "goal and objective" upon which the Lead Agency's alternatives (and vision) are based. By artificially constraining the analysis to a narrowly defined "corridor" and limiting the debate to the number and type of new lane-miles, a multitude of potential transportation solutions were effectively eliminated from the start or were never considered. At best, rather than "recovery," what is being offered is only a "band-aid" for a terminally ill patient. With nearly \$6 billion dollars at stake, the public looks to its elected officials and governmental entities for meaningful solutions and sound public investments with a shelf-life extending beyond the retirement of those in office or sitting behind bureaucratic desks. With regards to the proposed project, it appears that the sponsoring agencies lack vision, seemingly content with the adage that "something is better than nothing" (e.g., "Alternative 2 is considered a viable project alternative because it will achieve. . . Relief of congestion compared to future conditions under the No Build Alternative" and "Alternative 3 is considered a viable project alternative because it will achieve. . . Reduction of congestion compared to future conditions under the No Build Alternative," VIA, pp. 18 and 22).

It is a fallacy to assume, at the outset, that: (1) workable and far-reaching solutions to the region's and/or subregion's traffic conditions cannot be formulated; (2) functional transportation conveyance systems cannot be devised and developed; and (3) substandard conditions are the best that Californians can hope to achieve. The proposed alternatives now being foisted on the public do not even strive to solve or remedy the region's transportation impacts. Presented with three virtually identical variations of the same alternative, it is not acceptable to only compare one failed strategy to another, ignoring in that comparison the standard of acceptable versus unacceptable (with regards to workable transportation system operations) and accepting the imposition of self-imposed blinders which only serve to prevent meaningful public dialogue and discourse. Anyone who remembers driving the freeways during the Los Angeles Olympics

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knows feasible solutions can be developed to the area's transportation problems, allowing for acceptable traffic operations on the freeways even during peak periods (absent freeway widening). What is required is an overall transportation approach woefully absent from that now presented. The Los Angeles Olympics experience proved that mitigation of freeway traffic impacts is, in fact, possible with strong agency leadership, a common vision, and broad public participation.

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3.3 Avoidance, Minimization, and Mitigation Measures

As a preface to the presentation of any comments on "mitigation measures," it is important to note that, from the DEIR/S, it is not possible to determine what is being represented by the Lead Agency as "mitigation measures," as that term is defined under CEQA. As indicated in the DEIR/S "Table S-1 summarizes project impacts by alternative and identifies avoidance and minimization measures. Where applicable, these measures are sometimes also mitigation measures, as discussed in Chapter 4 of this Draft EIR/EIS" (p. S-12). For example, Table S-1 (Project Impact Summary Table) (pp. S-13 thru S-35) contains a single column labeled "avoidance, minimization and/or mitigation measures." In that table, with the exception of the column heading, the only time the term "mitigation measure" is mentioned is with regards to the following two "measures": (1) "CUL-1: Work shall be halted in the vicinity of any previously known or unknown buried cultural materials unearthed during construction until a qualified archaeologist can assess the significance of the materials. Any further mitigation measures required will be developed in accordance with the requirements of Caltrans Section 106 PA – Stipulation XV in accordance with 36 CFR 800.13. Any mitigation measures required by the archaeologist will be implemented, including, if necessary, supplemental environmental documentation" (pp. S-24 and 25); and (2) "CUL-2: If human remains and associated artifacts are encountered during ground-disturbing activities, then the provisions of Public Law 101-601, Section 5097.98 and .99 of the PRC, and Section 7050 of the Health and Safety Code, will be followed. Any further mitigation measures required shall be developed in accordance with the requirements of 36 CFR 800.13, the post review discovery provision of the regulations implementing Section 106 of the NHP" (p. S-25). Both of those references refer to the impermissible deferral of mitigation measure and include no explicit requirements or performance measures and are, therefore, unenforceable.

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In order to identify the Lead Agency's recommended mitigation measures, stakeholders are directed to "Chapter 4 of the Draft EIR/EIS" (p. S-12). In Chapter 4 (California Environmental Quality Act Evaluation), only a limited number of "measures" are referenced as "mitigation measures" therein. The DEIR/S states that "mitigation measures pursuant to CEQA were identified for each significant effect of the project, described above in Section 4.2.3" (p. 4-64). In accordance with the Lead Agency's declarations, recommended mitigation measures are limited to the following: (1) "Mitigation Measures GEO-1 through GEO-7" (p. 4-21); (2) "Mitigation Measures T-1 through T-9" (p. 4-22); (3) T-1, UT-2, and COM-1 through COM-11" (p. 4-23); and (4) "Mitigation Measure PAL-1" (pp. 4-21 and 47).

Since the term "avoidance and minimization measures" is not of CEQA derivation, it is assumed that it is intended to have application under NEPA. Because "some impacts determined to be significant under CEQA may not lead to a determination of significance under NEPA" (pp. S-1 and 4-1), it must be assumed that, with the limited exception of those identified "mitigation measures," all other actions constitute "avoidance and minimization measures" under NEPA.

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The Lead Agency describes the following actions as "avoidance and minimization efforts": (1) "Avoidance and minimization measures AQ-1 through AQ-14" (p. 4-8); (2) "minimization measures BIO-1 through BIO-9" (p. 4-8); (3) "minimization measure CUL-1" (p. 4-8); (4) "Minimization Measure CUL-2" (p. 4-9); and "Minimization Measure CUL-3" (p. 4-8); (5) "Minimization Measures GEO-1 through GEO-7" (p. 4-9); (6) "Minimization Measures LU-1 and LU-2" (p. 4-11); (7) "minimization measures NOI-2 and NOI-3" (p. 4-12); (8) "Minimization Measures COM-13 and LU-3 through LU-6" (p. 4-18); and (9) "Minimization Measures HAZ-1 through HAZ-11" (p. 4-22). Because GEO-1 through GEO-7 are identified as both "mitigation measures" (p. 4-21) and "minimization measures" (p. 4-9), it is not possible to know the Lead Agency's intent with regards to those actions. Additionally, with regards to every other "effort" and/or "measure," since the DEIR/S contains no explicit categorization of those other actions, it is not possible to ascertain whether the Lead Agency has categorized them as "mitigation measures" (under CEQA) or "avoidance and minimization measures" (under NEPA).

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The Lead Agency notes that "all measures to avoid, minimize, and mitigate these potential significant effects have been incorporated into the project" (pp. 4-9 and 4-49). To the extent that the "avoidance and minimization measures" are already a part of the proposed action, then those measures do not impose any additional obligation other than directing OCTA and Caltrans to implement the project that they already propose.

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Although never explicitly stated, it can be surmised that the Lead Agency's efforts to differentiate between "avoidance and minimization efforts" and "mitigation measures" is intended to segregate those actions with regards not only to applicability and monitoring but also compliance and enforceability. As specified under the CEQ's "Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact" (January 14, 2011) (NEPA Mitigation Guidelines) (Attachment B). As indicated therein, citing *Robertson v. Methow Valley Citizens Council* (1989), the CEQ "acknowledges that NEPA itself does not create a general substantive duty on Federal agencies to mitigate adverse environmental effects" (p. 3).

In *Robertson v. Methow Valley Citizens Council*, the federal court noted that NEPA requires "that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated," but does not require that "a complete mitigation plan be actually formulated and adopted." CEQ Regulations recommend but do not mandate the monitoring occur in order to verify implementation of mitigation measures (40 C.F.R. 1502.2[c]).

The Lead Agency is, however, reminded of the provisions of 23 U.S.C. 139(c)(4) which states: "The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary."

3.4 Feasibility of Project Alternatives

As defined in Section 15364 of the State CEQA Guidelines, "[f]easibility" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (emphasis added). Under NEPA, as described in "Forty Most Asked Questions Concerning CEQ's NEPA Regulations" (March 23, 1981) (CEQ Questions), "reasonable alternatives" warranting detailed

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study are described as "those that are practical or feasible from the technical and economic standpoint and using common sense" (Question 2[a]).

Because the Lead Agency cannot demonstrate that it has the ability to effectuate any of the three build alternatives examined in the DEIR/S (e.g., "Full funding has not been identified for any of the proposed build alternatives and remains an unresolved issue," p. S-39) and because the Department has sought to utilize cost considerations as one of the key factors in eliminating otherwise feasible implementation options for further consideration therein, the Lead Agency has failed to present a legally adequate environmental analysis conforming to NEPA and CEQA.

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As indicated in correspondence from William Kempton, OCTA's CEO to OCTA's Regional Planning and Highway Committee (Subject: Update on the Interstate 405 Improvement Project Alternatives, Business Models, and Delivery Option), dated April 16, 2012, which is neither included in nor referenced in the DEIR/S, current project cost estimates and funding options are described below:

For Alternatives 1 and 2, the total estimated project cost is \$1.3 billion and \$1.4 billion, respectively. As the M2 revenues for this project are currently estimated to be \$800 million over the life of the M2 program, this leaves an estimated funding need of \$700 million for Alternative 1 and \$800 million for Alternative 2.

For Alternative 3, the express lanes alternative, the total estimated project cost is \$1.7 billion. Alternative 3 is approximately two miles longer than the other two alternatives and includes an Express Lanes direct connector between the I-405 and the SR-73, and would require additional Intelligent Transportation System components to operate the Express Lanes facility. Alternative 3 delivers congestion management via tolling to provide the public with the option of a guaranteed speed and travel time through the corridor. Alternative 3 provides for greater vehicle throughput, as vehicles traveling at or near the speed limit in the Express Lanes will move through the corridor in greater numbers than vehicles in slower moving general purpose lanes. With the same M2 revenues of \$800 million for the Express Lanes Alternative, the funding need is approximately \$1.1 billion.

For Alternative 3, three separate project finance options were modeled - Self Finance (SF), the use of Availability Payments (AP), and a P3 [public-private partnership] Concession. In all cases, the project cost is \$1.7 billion. For the Self Finance option, approximately \$300 million dollars could be raised from non-recourse future toll revenue bonds, leaving a funding need of \$800 million. This funding need could be met by the sale of future M2 revenue bonds. This option would ensure that revenue generated would be controlled by OCTA, with these revenues projected to be approximately \$1.4 billion over the next 30 years. With the Availability Payments option, approximately \$1.2 billion could be raised, although the repayment cost of \$5.8 billion exceeds the future toll revenue projections of \$4.9 billion, leaving a deficit of \$900 million. Performance based repayments would be made by OCTA regardless of toll revenues. With the P3 Concession option, approximately \$800 million could be raised, leaving a funding need of \$200 million. All toll revenues would go to the P3 Concessionaire, and there would be no debt costs associated with this option.

As indicated in Table I-10 (Proposed Funding and Shortfall) in the DEIR/S, the "funding shortfall" for Alternative 1 is \$700 million, the "funding shortfall" for Alternative 2 is \$800 million,

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and the "funding shortfall" for Alternative 3 is \$800 million (p. 1-18). However, at the June 26, 2012 community meeting in Seal Beach, William Kempton, OCTA's CEO stated that that "\$1.3 billion" in Measure M/M2 funds are presently available to the OCTA. Although inconsistent with the information presented in the DEIR/S and other documentation available from the OCTA, to the extent that Mr. Kempton's statement is an accurate characterization of available funding, Alternative 1 could be implemented based on existing funding. Why is information concerning the amount of available Measure M/M2 funding inconsistently represented?

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Based on the information presented in the DEIR/S, inclusive of all materials that existed in the administrative record up to prior to the release of the DEIR/S, none of the three build alternatives can be demonstrated to be feasible. Because none of the funding options can, as of yet, be demonstrated to provide OCTA with the resources needed to implement any of the three build alternatives, the Lead Agency cannot demonstrate that the use of non-toll road financing is infeasible. Even when toll road revenues are considered, assuming a design-building structure and conveyance of all toll revenues to a future P3 concessionaire, OCTA still falls "\$200 million" short of currently estimated project costs (without adjustments for future cost escalations).

Although not readily apparent, as indicated in correspondence from William Kempton, OCTA's CEO to OCTA's Regional Planning and Highway Committee (Subject: Outline of the Proposed Project Delivery Organizational Approach for the Interstate 405 Improvement Project), dated June 4, 2012, the CEO stated that "Alternative 3 self finance option is the most financially feasible and provides some return to the M2 Freeway Program" (p. 2).

As indicated in OCTA's "Measure M2 Triennial Performance Assessment Status Report, Staff Report" (November 15, 2010) (Triennial Report): "The OCTA's efforts on Interstate 405 in west Orange County illustrate both the challenges facing the OCTA in delivering M2. Listed in the Voter's Pamphlet as Freeway Project K, the improvements between the I-605 in Los Alamitos and the Costa Mesa Freeway (SR-55) has a Measure M budget of \$500 million, making it one of M2's premier freeway projects. However, as the project has been more fully developed and has moved into environmental review, the costs of the 405 west project have increased to the \$1.7 to \$2.2 billion range, a far more expensive project than can be built in the next few years with a mix of state, federal, and M2 funds. Even with board direction to minimize all right-of-way takes by exploring narrower than standard lane widths and non-standard shoulders, building Project K may require innovative funding methods, including toll lanes or Express Lanes to aid in overall project funding. Without additional funding from non-traditional sources, the OCTA cannot fund promised improvements on the western portion of Interstate 405" (emphasis added) (p. 20). From this, it can be concluded that the Lead Agency's efforts to minimize ROW acquisition (e.g., "Minimize environmental impacts and ROW acquisition," DEIR/S, p. S-5) were not necessarily founded on benevolence but on more fundamental cost considerations.

As noted, the projected cost of Alternative 3 is identified as "\$5.8 billion" and not the "\$1.7 billion" identified in the DEIR/S (p. 2-10) or "\$2.2 billion" identified in the Triennial Report (p. 20). For example, although the estimated cost of each is less than associated with Alternative 3, the following options were eliminated by the Lead Agency, in whole or in part, for economic reasons: (1) "Alternative M3 was estimated at \$2.781 billion" (p. 2-41); (2) "Alternative M5 was estimated at \$2.377 billion" (p. 2-42); (3) "Alternative M6 was estimated at \$2.351 billion" (p. 2-43); (4) "Alternative M7 was estimated at \$1.290 billion" (p. 2-43); (5) "Alternative M8 was estimated at \$1.504 billion" (p. 2-44); (6) "Alternative M8a was estimated at \$2 billion" (p. 2-45); (7) "Alternative M9 was estimated at \$3.212 billion" (p. 2-46); (8) "Alternative M11 was estimated

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at \$2.840 billion" (2-47); (9) "The total capital cost of Alternative M12 was not estimated but would likely be similar to Alternative M13 or \$2.231 billion" (p. 2-48); and (10) "Alternative M13 was estimated at \$3.231 billion" (p. 2-49). As noted, the estimated cost of both "Alternative M7" and "Alternative M8" are even less than the "\$1.7 billion" identified in the DEIR/S for Alternative 3 but were subsequently rejected based on cost considerations (e.g., "The high cost of Alternative M8a also contributes to the determination that the alternative is not viable," p. 2-45).

"CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible" (City of Marina v. Board of Trustees of California State University [2006]). As required under Section 15126.4(a) of the State CEQA Guidelines: "An EIR shall describe feasible mitigation measures" (emphasis added). Notwithstanding that requirement, a substantial portion of the Lead Agency's analysis is based on the tenet of "feasibility" and many of the "efforts" and/or "measures" are so vague (e.g., absent any means of quantification or assessment of performance) as to be enforceable. As such, feasibility cannot be used as a nebulous concept (that can be utilized when it serves the Department's interests and ignored when it does not) but must find form and substance in the DEIR/S (e.g., "The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected," 14 CCR 15003(b)). For example, with regard to the feasibility of implementing a broad range of "measures," the Department states: (1) "Beginning with preliminary design and continuing through final design and construction, plan, save, and protect as much existing vegetation in the corridor, especially eucalyptus and other skyline trees, as feasible" (Mitigation Measure VIS-1) (p. 4-64); (2) Beginning with preliminary design, and continuing through final design and construction, landscape and re-vegetate disturbed areas to the greatest extent feasible (Measure VIS-6) (p. 4-64); (3) "Provide vine planting on sound walls and retaining walls where feasible and appropriate" (Measure VIS-18) (pp. 4-65 and 66); (4) "The construction contractor shall establish Environmentally Sensitive Areas (ESAs) or their equivalent near sensitive air receptors within which construction activities involving extended idling of diesel equipment would be prohibited, to the extent that is feasible (Measure AQ-5); and (5) "To avoid impacts to raptors, all new highway lighting adjacent to NAVWPNSTA Seal Beach shall not contain features that allow for raptor perches, as feasible (Measure BIO-6) (emphasis added).

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In addition, the DEIR/S notes: (1) "Each and every significant effect on the environment must be disclosed in the EIR and mitigated if feasible" (p. 4-1); (2) "where feasible, additional minimization measures have been identified to further reduce project effects, as applicable" (p. 4-5); (3) "The project permitting process and associated permit conditions would require avoidance where feasible" (p. 4-7); (4) "Caltrans/OCTA has a robust public outreach process for this project, which will continue through completion of the project, and additional feasible measures that are identified during the public outreach process and circulation of the Draft EIR/EIS, and agreed to by Caltrans/OCTA, will be incorporated where feasible to further reduce the significant effects on community character" (p. 4-49); (5) "To the extent that it is applicable or feasible for the project and through coordination with the project development team, the following measures will also be included in the project to reduce the GHG emissions and potential climate change impacts from the proposed project" (p. 4-59). Since the OCTA cannot demonstrate that it even has a plan to pay for the capital costs of any of the three build alternatives examined in the DEIR/S (much less on-going maintenance costs and debt service), no substantial evidence exists that any of the identified "efforts" and/or "measures" will be implemented and, if implemented, to what degree and efficacy.

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In *Gray v. County of Madera* (2008), the court ruled that mitigation measures must both be specific as to their performance or contain specific performance standards offering assurance that implementation will remedy the effect or provide a compensatory environment which is "substantially similar" to that which existed prior to the degradation attributable to the proposed action and that the feasibility of those measure to accomplish their intended purpose be sufficiently demonstrated. Citing that case:

While we generally agree that CEQA permits a lead agency to defer specifically detailing mitigation measures as long as the lead agency commits itself to mitigation and to specific performance standards, we conclude that here the County has not committed itself to a specific performance standard. Instead, the County has committed itself to a specific mitigation goal – the replacement of water lost by neighboring landowners because of mine operations. However, this goal is not a specific performance standard such as the creation of a water supply mechanism that would place neighboring landowners in a situation substantially similar to their situation prior to the decline in the water levels of their private wells because of the mining operations, including allowing the landowners to use water in a substantially similar fashion to how they were previously using water. Moreover, the listed mitigation alternatives must be able to remedy the environmental problem. We have concluded that the listed mitigation alternatives, except for the building of a new water system, cannot remedy the water problems because they would not place neighboring landowners into a situation substantially similar to what the landowners experienced prior to the operation of the mine. And the option to build a water system, which is the only effective mitigation measure that was proposed if it was feasible, was never studied or examined. Thus, the County is improperly deferring the study of whether building such a system is feasible until the significant environmental impact occurs.

Additionally, based on the absence of a viable funding plan, there likely will need to be other undisclosed changes, concessions, and/or public costs required to implement any of the three build alternatives. Because those changes, concessions, and costs may not be finalized until after the close of the environmental process, the potential environmental implications of those actions may never be fully addressed and may occur outside any opportunity for stakeholder participation. Since the proposed action involves the long-term commitment of public funds (and the opportunity costs associated therewith), OCTA's commitment of those funds and/or ability to demonstrate a viable implementation strategy is an integral part of the project and, for the purpose of environmental compliance, cannot be separated therefrom.

Existing environmental conditions and anticipated impacts can increase or decrease over time, scheduling considerations (including the anticipated commencement/completion dates) and the existence of internal and extraneous factors influencing that schedule (e.g., absence of money) are integral elements in assessing project-related and cumulative environmental effects. As indicated in the DEIR/S, facility construction is expected to commence in 2015 (e.g., "Construction of the proposed project is planned to commence in 2015," p. 2-26); however, since the Department has not demonstrated its ability to fund the identified improvements, that schedule could have substantial slippage. Alternatively, attainment could require substantial concessions (e.g., "All toll revenues would go to the P3 Concessionaire") which could potentially have a bearing on the proposed action and its environmental implications.

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The Lead Agency states that "[f]urther financial planning to identify full funding for the alternative selected for construction will be required to prepare the Financial Plan required by the Federal Highway Administration prior to approval of the Final EIR/EIS" (DEIR/S, p. S-40). Since too much is riding on the existence of and effectiveness of that future "financial plan" (e.g., selection and rejection of alternatives, existence and substance of identified "efforts" and/or "measures"), failure to include that information in the DEIR/S has deprived the affected public of meaningful opportunities to comment on the document, prematurely eliminated other potentially feasible alternatives based on premature and non-evidentiary rationalization, resulted in the deferral of critical analyses to a later time and date (outside opportunities for public participation), and appears to now predicate a single course of action (e.g., generation of toll revenues and conveyance of those revenues to a P3 concessionaire). Although its intended inclusion was precluded in both the "Notice of Preparation" (NOP) and "Notice of Intent" (NOI) but promptly eliminated from the DEIR/S (e.g., "Alternative 4 proposed to provide localized improvements within the I-405 corridor that could be fully funded and implemented with available revenue from Orange County's Renewed Measure M transportation sales tax initiative," pp. 2-3 and 4) and although the single stated objective of the proposed action is "[t]o be consistent with regional plans and find a cost-effective early project solution for delivery" (emphasis added) (p. 1-5), the one viable and feasible build alternative identified in the DEIR/S (i.e., Alternative 4 is a lower-cost option to provide localized improvements within the I-405 corridor that could be fully funded and implemented with available revenue from Orange County's Renewed Measure M transportation sales tax initiative," p. 2-26) was never seriously considered.

What does "cost-effective" even mean and what criteria will be used in its assessment and comparative analysis? The proposal to convey all future toll revenues to a private operator may reduce "up-front" costs but results in the forfeiture of any "opportunity costs" associated with the use of future revenues. Since the criteria are not specified in the DEIR/S and information concerning any alleged economic benefits (e.g., equating time savings to economic productivity), how will stakeholders be able to participate in the formulation of that criteria, in the comparative evaluation of alternatives (e.g., "Alternative 4" and "TSM/TDM/Mass Transit Alternative"), and in the determinations concerning the expenditure of public funds? Although consisting of literally thousands of page of text, the DEIR/S appears merely to be a house of cards whose structure is dependent on a yet to be determined, unknown, undisclosed, and unproven financing structure. Pending its release, with the exception of "Alternative 4" (and potentially the "TSM/TDM/Mass Transit Alternative") the Lead Agency cannot demonstrate the feasibility of any of the three build alternatives or defend the elimination of other alternatives based, in whole or in part, on financial considerations.

The DEIR/S notes: "Alternative 4 would neither provide additional capacity along the entire corridor nor enhance interchange operations. It would not meet the project purpose and was eliminated from further consideration in this Draft EIR/EIS" (p. 2-4); however, neither "additional capacity" nor "enhanced interchange operations" were identified in the Lead Agency's declared P&N and single objective. As a result, the Lead Agency seeks to reject otherwise feasible alternatives based on criteria substantively different from those articulated by the Department for the proposed action.

3.5 Congestion Relief

As indicated in "San Diego Freeway (I-405) Frequently Asked Questions" (USDOT, Caltrans, and OCTA, undated) (<http://www.octa.net/pdf/405/faq.pdf>): "It has been estimated that the width of the I-405 would need to be doubled from the existing ten lanes to twenty lanes to serve the

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traffic demand expected by year 2035. For a number of reasons, including right-of-way constraints and operational limitations of widening, none of the proposed improvements are expected to completely eliminate congestion" (Question 4). Acknowledging the existence of induced or latent demand, it is noted that "none of the proposed alternatives would completely eliminate congestion in the I-405 corridor. Additional general purpose lanes would fill up and become congested very quickly after they open" (emphasis added) (Question 12).

As reported in a report prepared by the Brookings Institute and University of California Berkeley, entitled "The Effect of Government Highway Spending on Road Users' Congestion Costs, Final Report to the Federal Highway Administration" (October 2004), the authors (Clifford Winston and Ashley Langer) concluded:

[W]e estimate that one dollar of highway spending in the last year of our sample, 1996, reduced motorists' congestion costs only 3.3 cents in that year (2000 dollars). Note that this benefit is not an ongoing return, but only applies to the year in which spending occurred. Although highway spending serves many purposes, policymakers frequently cite reducing congestion as among the most important. Thus, our estimate seriously questions the cost-effectiveness of current spending priorities if policymakers wish to achieve this goal. As noted, we did not include several variables in the model that affected congestion costs but were arguably affected to some extent by highway spending. If we included any of these variables in the model, the effect of highway spending on congestion costs would be even lower (pp. 13-14).

It could be argued that highway spending in 1996 would reduce congestion costs in future years by adding to the value of the capital stock. But such spending supplemented the value of each state's capital stock only six percent on average. In addition, any benefits from this modest improvement in the capital stock would be reduced significantly by depreciation in just a few years. Given that we found that spending reduced motorists' congestion costs only three cents in the year that spending occurred and that additional cost savings in the future would be much [less] (pp. 14-15).

"Each of the build alternatives is viable with each providing incremental throughput increase; however, none will totally alleviate congestion" (emphasis added) (Traffic Study, p. ES-4). "Each of the proposed alternatives project improves freeway capacity but does not totally satisfy projected future demand [based on the fact that oversaturation is predicted under future expected traffic conditions (i.e., LOS F) for the I-405 in the study area" (emphasis added) (Traffic Study, p. 2.1-3). The Lead Agency acknowledges that the existence of congestion is a "fact" now and into the foreseeable future. With regards to each of the three build alternatives:

- Under the No Build Alternative, "[i]n general, under both 2020 and 2040 conditions for the No Build Alternative, the freeway mainline (including both general purpose lanes and HOV lanes) is expected to operate at LOS F in both the AM and PM peak hours in both the southbound and northbound directions. (emphasis added) (p. 2.4-1). "LOS F during AM and PM peak times is expected to occur on nearly all segments in 2020 and on all segments in 2040" (emphasis added) (p. 2.4-3). "The speed index ranges from 5 to 21 depending upon segment, direction of travel, and peak hour" (p. 2.4-3).
- "Under Alternative 1 conditions for Opening Year (2020), the freeway mainline (including both general purpose and HOV lanes) is expected to operate at LOS F during the AM and PM peak hours in both directions with few exceptions. Under Design Year (2040)

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traffic conditions, all lanes are expected to operate at LOS F during both AM and PM peak hours for both directions of travel (emphasis added) (Traffic Study, p. 2.5-1). "[A]ll segments are expected to operate at LOS F during peak hours" (emphasis added) (p. 2.5-2). "The speed index ranges from 6 to 38 depending upon segment, direction of travel, and peak hour" (p. 2.5-3).

- "[U]nder Alternative 2 conditions for 2020, the freeway mainline general purpose lanes and HOV lanes are expected to operate at LOS D to F in the AM and PM peak hours in the southbound and northbound directions, with LOS D more prevalent in the northern section of I-405. Under Design Year (2040) conditions, all general purpose lanes and HOV lanes are expected to operate at LOS F during both AM and PM peak hours" (emphasis added) (Traffic Study, p. 2.6-1). "[A]ll segments are expected to operate at LOS F during peak hours" (emphasis added) (p. 2.6-2). "The speed index ranges from 7 to 60 depending upon segment, direction of travel, and peak hour" (p. 2.6-3).
- "[U]nder Alternative 3 conditions, the freeway mainline general purpose lanes are expected to operate at LOS F in the AM and PM peak hours in both the southbound and northbound directions under 2020 and 2040 conditions. The express lanes are expected to operate generally at LOS C to D under 2020 and 2040 conditions" (emphasis added) (Traffic Study, p. 2.7-1). "LOS F is expected to occur in the general purpose lanes during the AM and PM peak hours on nearly all links in 2020 and on all links in 2040" (emphasis added) (p. 2.7-3). "The speed index ranges from 14 to 53 in the general purpose lanes and 65 in the express lanes whose speeds and volumes are managed through the imposition of tolls" (p. 2.7-3).

As indicated in the Traffic Study: "Whenever density exceeds 45 pc/mi/h [passenger cars/mile/hour], the Level of Service category is "F", or very congested (i.e., traffic jams). The general purpose lanes in every alternative, and the HOV lanes in the No Build alternative and in Alternatives 1 and 2, are expected to operate at LOS F during the peak hours, except for spot locations. Under projected future traffic conditions for Year 2040, the express lanes in Alternative 3 are expected to operate at LOS C/D. Management of the express lanes in Alternative 3 through tolling will be targeted to minimizing congestion in the express lanes during peak periods; this will maximize their speeds" (pp. ES-3 and ES-4). By the Lead Agency's own admission, everything will remain at gridlock with the limited exception of the express (HOT) lanes in Alternative 3. The Traffic Study demonstrates that congestion (as measured in vehicular throughput and relative speed) will be reduced for only those able to pay the toll; however, traffic in all the GP lanes will remain at LOS "F."

As noted in Caltrans' "Route Concept Report – Interstate 405, San Diego Freeway, 12-ORA P.M. 0.23/24.18" (November 1999) (RCR), LOS "F" is defined as "congestion" (e.g., "With these improvements the LOS would be at 'F' [congestion] in the year 2020 for the entire length of the route." Summary). As further defined in the Traffic Study, "LOS F" is used to define breakdowns in vehicular flow. Breakdowns occur when traffic incidents cause a temporary reduction in the capacity, at merge or weaving segments that result in a greater number of vehicles arriving than the number of vehicles discharged and when the projected peak hour flow rate exceeds the estimated capacity of the location" (emphasis added) (p. 2.1-2).

With regards to projected level of service conditions and vehicular throughput projections, presented in Table 3 (Level of Service and Vehicle Throughput) below is information extracted from the Traffic Study. As indicated therein, in general terms, with regards to level of service conditions, excluding the proposed "express lanes" under Alternative 3 where improved LOS conditions may exist through the active management of those lanes (i.e., controlling the number

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of vehicles through increasing tolls and changing occupancy requirements), either doing something (adding more lane miles) or doing nothing (not adding more lane miles) produces the relatively same LOS conditions (LOS "F"). In the "best case" freeway segment, vehicle throughput increases by only 1,200 vehicle per hour (vph) under Alternative 1, by only 2,400 vph under Alternative 2, and by only 3,000 vph under Alternative 3. If the old adage is true, "the more things change, the more they stay the same," it is unclear how massive public expenditures for the apparent benefit of a relatively few drivers (those willing to pay the toll) will substantially improve conditions for the overwhelming majority of the area's residents.

Table 3
Level of Service and Vehicle Throughput

Study Segment	No Build Alternative				Alternative 1				Alternative 2				Alternative 3			
	NB	SB	GP	HOV	NB	SB	GP	HOV	NB	SB	GP	HOV	NB	SB	GP	HOV
Level of Service																
SR-73 to Brookhurst	F	F	F	F	F	F	F	F	F	F	F	F	F	F	C	F
Brookhurst to SR-33 East	F	F	F	F	F	F	F	F	F	F	F	F	F	F	C	F
SR-22 East to I-605	F	F	F	F	F	F	F	F	F	F	F	F	F	F	D	F
Vehicle Throughput																
SR-73 to Brookhurst	7200	1200	7200	1200	7200	1200	7200	1200	7200	1200	7200	1200	7200	1200	3200	7200
Brookhurst to SR-33 East	8400	8400	8400	8400	8400	8400	8400	8400	8400	8400	8400	8400	8400	8400	10400	10400
Change from No Build					0	0	0	0	0	0	0	0	0	0	2000	2000
SR-22 East to I-605	4800	1200	4800	1200	4800	1200	6000	1200	7200	1200	7200	1200	6000	3000	6000	3000
Change from No Build					0	0	1200	2400	2400	2400	3000	3000	3000	3000	3000	3000
SR-22 East to I-605	7200	2400	7200	2400	7200	2400	9600	2400	9600	2400	8400	3400	8400	3400	8400	3400
Change from No Build					0	0	2400	2400	2400	2200	2200	2200	2200	2200	2200	2200

Source: Albert Grover & Associates, Traffic Study – San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties, May 2011, Tables 2.5.5, 2.6.9, and 2.7-9, pp. 2.5-24, 2.6-24, and 2.7-20.

The information in Table 4 (Freeway Average Daily Traffic [ADT] Volumes – Existing and Future) is extracted from the Traffic Study (see Table 2.2.1, p. 2.2-1) and indicates that traffic volumes, as measured in average daily traffic (ADT), even without the proposed action, will increase substantially between "existing conditions" (Year 2009), "opening day" (Year 2020), and the project's "design year" (Year 2040). Ignoring traffic spikes that occur during the morning (AM) and evening (PM) peak hours, assuming that traffic volumes are consistent throughout the day (which itself is a false assumption) and the anticipated traffic diversion from arterial and secondary streets onto the freeway as a result of the proposed improvements, the projected increase in ADT that Caltrans expects to occur (absent the proposed action) exceeds the added capacity identified in Table 3 (Level of Service and Vehicle Throughput), even under

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the best-case scenario. As a result, even with the proposed action: (1) traffic conditions (e.g., congestion) will worsen over existing conditions; (2) projected demand increases at a faster rate than projected supply; and (3) on "opening date," the improvements will prove obsolete.

Despite assertions of the purported intent of its endeavors (e.g., reduce congestion), undisclosed in the DEIR/S is the reality that the viability of both HOV and HOT lanes is, in fact, dependent on the perpetuation of congestion (e.g., "express lanes specifically do not suffer from reduced flow as general purpose lane congestion increases," Traffic Study, p. 2.1-3). The formation of carpools and the payment of tolls by motorists are both predicated on the existence of clear choices regarding travel time (i.e., congested GP lanes or free-flowing "express lanes"). Based on the resulting dependencies they engender and the decentralization of a diverse labor pool, in the absence of congestion, there exists little motivation for non-family members to form unions to travel to work or to pay the added travel costs when the HOT lane and the adjoining GP lane allow arrival at the appointed destination at generally the same time.

Table 4
Freeway Average Daily Traffic (ADT) Volumes – Existing and Future

Location	Existing Condition (Year 2009)	Opening Day (Year 2020)	Design Year (Year 2040)
SR-22 East – I-605	370,260	453,580	608,760
Projected Increase over Existing Conditions	-	83,320	138,520
Brookhurst Street – SR-22 East	257,400	309,270	343,640
Projected Increase over Existing Conditions	-	51,870	85,240
SR-73 – Brookhurst Street	306,900	374,300	418,960
Projected Increase over Existing Conditions	-	67,400	112,060

Source: Albert Grover & Associates, Traffic Study – San Diego Freeway (I-405) Improvement Project SR-73 to I-605, Orange and Los Angeles Counties, May 2011, Tables 2.2.1, p. 2.2-1.

The Lead Agency alleges that the proposed action's "long-term benefits would include improvement to the transportation network in the area, reduction of congestion, and improved intersection circulation (emphasis added) (p. 3.4-1). The following two items are noticeably absent from that statement: (1) a definition as to what constitutes "congestion"; and (2) any linkage between "congestion" and "capacity" (either as an isolated variable or in combination with demand). Similarly, as used in the DEIR/S, "congestion" is spoken of as if it were a new concept (rather than one that pre-dates the automobile), that it is an isolated phenomenon and can be solved in small incremental stretches of roadway (somehow unique to each segment), and that a single and universally held perception (rather than multiple perspectives) of its existence can be defined. In reality, congestion is a persistent problem and not a condition of recent origin or unique to the southern California area.

Historic accounts of congestion can be traced back to Julius Caesar who banned wheeled traffic from Rome during the daytime. Leonardo da Vinci proposed the separation of wheeled traffic from pedestrian traffic (Encyclopedia Britannica, Traffic Control, online). Congestion exists in all metropolitan areas (including many in southern California) and perceptions regarding congestion (including tolerance) may be both societal and geographically diverse.

In "2010 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance, Report to Congress" (March 30, 2012), the FHWA states: "There is no universally accepted definition or measurement of exactly what constitutes a congestion 'problem.'" The public's

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perception seems to be that congestion is getting worse, and it is by many measures. However, the perception of what constitutes a congestion problem varies from place to place. Traffic conditions that may be considered a congestion problem in a city of 300,000 may be perceived differently in a city of 3 million, based on differing congestion histories and driver expectations. These differences of opinion make it difficult to arrive at a consensus of what congestion means, the effect it has on the public, its costs, how to measure it, and how best to correct or reduce it. Because of this uncertainty, transportation professionals examine congestion from several perspectives. Three key aspects of congestion are severity, extent, and duration. The severity of congestion refers to the magnitude of the problem or the degree of congestion experienced by drivers. The extent of congestion is defined by the geographic area or number of people affected. The duration of congestion is the length of time that the roadway is congested, often referred to as the "peak period" of traffic flow" (p. 4-2).

In the "City in History" (1961), Lewis Mumford wrote:

The facts of metropolitan congestion are undeniable; they are visible in every phase of the city's life. One encounters congestion in the constant stoppages of traffic, resulting from the massing of vehicles in centres that can be kept in free movement only by utilizing human legs. One encounters it in the crowded office elevator or in the even more tightly packed subway train, rank with the odors of human bodies. Lack of office room, lack of school room, lack of house room, even lack of space in the cemeteries for the dead. Such form as the metropolis achieves its crowd-form: the swarming bathing beach by the sea or the body of spectators in the boxing arena or the football stadium. With the increase of private motor cars, the streets and avenues become parking lots, and to move traffic at all, vast expressways gouge through the city and increase the demand for further parking lots and garages. In the act of making the core of the metropolis accessible, the planners of congestion have already almost made it uninhabitable.

The costs of congestion itself, in impeding the essential economic activities of the metropolitan area, are augmented by the costs of the purely mechanical methods of overcoming this congestion. These costs, even if they were humanly tolerated, would long ago have been rejected because of their financial extravagance, if rational economic standards had played any part in forming the metropolitan myth (p. 624).

As indicated in the FHWA's "Consideration for High Occupancy Vehicle (HOV) Lane to High Occupancy Toll (HOT) Lane Conversions Guidebook" (June 2007): "Traffic congestion on U.S. highways serving our largest metropolitan regions have reached unprecedented levels despite our heroic but, ultimately, failed efforts to build more highways in response to the nation's insatiable demand for travel. With the benefit of several decades' worth of hindsight, the U.S. transportation policy community has pledged a renewed commitment to attacking the urban transportation problem through a combination of demand and system management strategies focused on managing our existing transportation supply more effectively and efficiently" (emphasis added) (p. 1-1). Similarly, as indicated on the FHWA's website: "Congestion results when traffic demand approaches or exceeds the available capacity of the system" (<http://www.fhwa.dot.gov/congestion/>).

To the extent that "congestion" can be fundamentally defined as the imbalance between supply and demand (excess demand and insufficient supply), then congestion has two separate constituents (supply and demand). Absent a singular focus on "capacity, public effort to "reduce

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congestion" must, therefore, be approached from both perspectives. Because that has not occurred in the DEIR/S, decision makers are being asked to choose between "three of the same things" rather than "two or more different remedies" (e.g., the FHWA's "combination of demand and system management strategies").

In order to assess performance and compare the only alternatives (excluding the No Build Alternative), the Traffic Study states: "For the proposed project which improves freeway capacity but does not totally satisfy projected future demand, the following measures of effectiveness (MOE) were selected to either quantitatively and/or qualitatively compare improvement alternatives: [1] Peak hour throughput (throughput being the number of vehicles able to pass a fixed point along the project route). [2] Relative speed, and conversely, the vehicle travel time to traverse the project length during the peak hour" (emphasis added) (Traffic Study, p. ES-3). "[B]ecause speed is more easily understood than throughput, it has been shown as a relative measure of improvement associated with providing added freeway capacity" (emphasis added) (p. 2.1-5). With only those two indices, as with "relative" speed, it is possible to compare the "relative" merits of the three build alternatives.

Without commenting on the validity of the measures cited, in contrast, the FHWA's "2011 Urban Congestion Trends – Improving Travel Reliability with Operations, FHWAQ-HOP-12-019" (undated) identifies the following measures of congestion: (1) hours of congestion (amount of time when freeways operate below 50 mph), (2) travel time index (TTI) (time penalty for trip on an average day (e.g., a TTI of 1.30 indicates a 20-minute free-flow trip takes 26 minutes [20 x 1.30] during peak); and (3) planning time index (PTI) (time penalty for a trip to be on time for 95 percent of trips (e.g., a PTI of 1.60 indicates a 20-minute free-flow trip takes 32 minutes [20 x 1.60]). None of these factors are even referenced in the DEIR/S.

The deck is now stacked. Because the only two variables to be analyzed are peak-hour throughput and relative speed, the only range of solutions posited is the number and type of additional lane-miles to be added to the specified freeway segment. Never asked is the more fundamental questions: (1) What is the root cause of traffic congestion? (2) If an issue of supply and demand, what actions can be taken to reduce the existing imbalance? (3) If a matter of too many automobiles and trucks, what can be done to take automobiles and trucks off the road? (4) If a matter of accessibility, how can access opportunities be enhanced?

The DEIR/S states that "[t]he purpose of the proposed action is to: [1] Reduce congestion; [2] Enhance operations; [3] Increase mobility, improve trip reliability, maximize throughput, and optimize operations; and [4] Minimize environmental impacts and right-of-way acquisition" (p. S-1). "Relative speed" is not, however, identified as among the project's purposes. It is evident that "congestion" is not actually being measured but that broad and ill-defined concept is, because it is "more easily understood," examined in the context of "relative speed." In that it may be a factor in calculating vehicle throughput, relative speed is, at best, one of the components that could be used in describing available supply (e.g., on the supply side, congestion is primarily a function of the physical characteristics of the facility and events that limit the availability of this capacity). Because "relative speed" is being measured and not "congestion," there is a substantial disconnect between the Lead Agency's P&N and both how "congestion" is defined and how it is being quantitatively expressed. How fast (or slow) an average vehicle traverses a set distance during a peak hour period is not a valid measure of congestion. Similarly, since no optimal or ideal relative speed exists or has been documented in the DEIR/S (e.g., number of vehicles per hour per lane that maintain a specified LOS), any incremental difference between one alternative and another is both meaningless and, in the

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absence of a set goal, fails to yield a determination of whether the resulting increase (or decrease) is worth the added (or lesser) cost (e.g., how should a one mph increase in average peak-hour speed valued?).

As speeds diminish and the frustration of SOVs mount, motorists may feel compelled to investigate other forms of transportation, employers may be forced to consider other working arrangements (e.g., telecommuting and flexible work hours), and individuals may alter or consider different life-style choices (e.g., increased attraction of transit-oriented developments). Although the Lead Agency seeks to portray those considerations in negative light, shorter or less frequent commutes and increased bus and train ridership may, in fact, not be bad things.

Moviegoers are familiar with the adage from "Field of Dreams": "Build it, and they will come." The traffic corollary is "don't build it and they will still come." Absent from the DEIR/S is any discussion of latent demand (defined as pent-up [dormant] demand for travel; travel that is desired but unrealized because of constraints) and induced demand (defined as realized demand that is generated [induced] because of improvements to the transportation system) and the consequences of that demand on traffic conditions once the improvements are completed.

As indicated in the United States Environmental Protection Agency's (USEPA or EPA) "Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality" (2001) (OBNE): "Over the past several decades, improvements in automobile-related infrastructure (highways, roads, parking lots), greater separation between jobs and housing, greater distances between destinations, and induced traffic (or additional travel prompted by road capacity expansions) have led to increases in vehicle travel" (p. 33). As documentation supporting the federally recognized linkage between increased road capacity and congestion, the USEPA stated:

Probably the best-known quantification of induced travel using U.S. data is a study by a University of California-Berkeley team led by Mark Hansen. Using time-series data and multiple regression, Hansen et al. estimated the auto traffic effects of changes in road capacity. Hansen studied relatively long-run time-series data - up to 18 years - and cross-sectional data to overcome difficulties in other studies that used only cross-sectional data and limited time periods. The peer-reviewed results are statistically robust and quite clear: induced travel can occur and can absorb all new capacity. According to the study, vehicle miles traveled on state highways increase, on average, by 0.6 to 0.7 percent at the county level for each 1 percent increase in highway miles, and by 0.9 percent at the metropolitan level. The full increase in VMT materializes within five years of the change in road supply. New road capacity does not simply affect travel on the new road or new lanes. It may also affect traffic outside its own corridor. People might use the new road rather than an older, more congested route. People may choose new destinations. A decision to use the new road probably means a decision to use a road connecting to it. Thus, capacity increase can lead to travel growth on other roads as well as on new roads highway lanes.

Hansen found that: "adding lane miles in a given county increases VMT throughout the wider region. This will occur if, for example, increasing the capacity of a highway in a given county induces commuting to or through that county from other counties in the region." Hansen found that capacity additions have different impacts in different metropolitan areas. An additional lane mile in San Francisco, Los Angeles, or San Diego metro areas produces roughly 12,000 additional daily VMT (pp. 22-23).

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As further indicated in the United States Transportation Research Board's (TRB) "Expanding Metropolitan Highways: Implications for Air Quality and Energy Use, Special Report 245" (1995), the TRB concluded that "[t]he evidence from the studies reviewed here supports the view that highway capacity additions can induce new trips, longer trips, and diversions from transit" (p. 162).

3.6 Additional VMT Equates to Reduced GHG

On December 7, 2009, the USEPA signed the following two findings regarding GHGs under Section 202(a) of the Federal Clean Air Act (CAA): (1) Endangerment finding - the USEPA finds that the current and projected concentrations of the following six "well-mixed greenhouse gases" in the atmosphere threaten the public health and welfare of current and future generations: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆); and (2) Cause or contribute finding - the USEPA finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare (USEPA, Docket No. EPA-HQ-OAR-2009-0171, December 7, 2009).

As reported in the California Department of Public Health's (CDPH) "Health Co-Benefits and Transportation-Related Reductions in Greenhouse Gas Emissions in the Bay Area" (November 11, 2011): "Climate change associated with the emission of greenhouse gases is the most significant threat confronting public health during the 21st century. In California, the transportation sector accounts for 38% of these emissions, outpacing all other sectors, including energy production. Within transportation, personal passenger vehicles account for 79% of greenhouse gas (GHG) emissions, and strategies to reduce carbon dioxide (CO₂) and other greenhouse gases include reducing both CO₂ emitted per mile and the overall miles traveled" (emphasis added) (p. 1).

As indicated in Caltrans' "Prioritization of Transportation Projects for Economic Stimulus with Respect to Greenhouse Gases, Final" (June 20, 2009), the Department states that "projects that increase capacity may or may not affect GHG emissions depending on the type of project. In general, projects that alleviate existing delays may reduce short-term GHG emissions but will likely have very little long-term GHG benefit since they do not decrease VMT in the long run. It is important to note that projects in currently approved RTP's [regional transportation plan] have primarily been selected and designed to address declines in travel mobility measures (e.g., reducing delay) that are projected to result from long-term population growth. Consequently, those projects that add capacity without reducing real VMT (i.e., resulting in shorter or fewer SOV trips) will not contribute to meeting mid-term and long-term GHG targets" (emphasis added) (pp. 6-7).

As indicated in Table 5 (Project Categories and their Anticipated Long-Term Relationship to GHG Emissions), Caltrans qualitatively organized typical projects into "added capacity projects" (those projects that improve operational efficiency, thus indirectly adding capacity, as well as those projects that directly add capacity through lane or transit/HOV improvements) and "non-capacity added projects" (projects that rehabilitate, maintain, or preserve conditions of pavement). For added-capacity projects, the likelihood of GHG reductions declines and the likelihood of increased GHG emissions rises as mixed-flow solutions are implemented. Based on Caltrans own analysis, of all the transportation improvement projects identified, the proposed action has the greatest likelihood of increasing GHG emissions and the least likelihood of reducing GHG emissions.

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